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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

TERRITORY OF WASHINGTON.

FIFTH SESSION OF THE LEGISLATIVE ASSEMBLY,

BEGUN AND HELD

AT OLYMPIA, THE SEAT OF GOVERNMENT, UPON THE FIRST MONDAY OF DECEMBER, TO-WIT: THE SEVENTH DAY OF DECEMBER, ANNO DOMINI, 1857.

OLYMPIA:
EDWARD FURSTE, PUBLIC PRINTER.
1857.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY, December 7, 1857.

In pursuance of the law of this Territory, this being the day prescribed for the meeting of the Legislature of the Territory of Washington, the members elect were called to order by R. L. Doyle, Chief Clerk of the last session.

On motion of Mr. Morrow,

Mr. Guthrie was called to the chair.

On motion of Mr. Smith,

A. J. Cain was appointed Chief Clerk, *pro tem.*

On motion of Mr. Phillips,

Rufus Willard was appointed Assistant Clerk, *pro tem.*

On motion of Mr. Smith,

Charles Carpenter was appointed Sergeat-at-Arms, *pro tem.*

On motion of Mr. Morrow,

Wm Rutledge, sr, was appointed Door Keeper, *pro tem*

On motion of Mr. Smith,

A committee of five was appointed to examine the credentials of members, and report to-morrow.

On motion of Mr. Irby,

The Chair was delegated to appoint said committee.

Whereupon, the Chair appointed Messrs Irby, Phillips, Baker, Morrow and Jackson.

On motion of Mr Morrow,

The House adjourned until 10 o'clock, A M., to-morrow.

TUESDAY, Dec 8th, 1857

House met pursuant to adjournment.

Journal of Monday read and approved.

Mr. Irby, chairman of Committee on Credentials, made the following report:

The committee appointed to examine the credentials of the members elect to the present House of Representatives, have performed that duty, and find the following members entitled to seats, to wit:

From the county of Clarke—Silas B. Curtis, William Kelly, Thomas J. Fletcher, Archibald Taylor, C. S. Irby.

From the county of Cowlitz—Henry Jackson.

From the counties of Cowlitz and Wahkiakum—William Hutchinson.

From the county of Pacific—J. S. M. Van Cleave.

From the county of Chehalis—Job Bullard.

From the county of Lewis—Henry R. Stillman, John W. Anderson.

From the county of Whatcom—R. V. Peabody.

From the county of Thurston—C. B. Baker, B. F. Shaw, W. W. Miller, Steven Guthrie, T. W. Glasgow.

From the counties of Thurston and Sawamish, (Joint Representative)—Wm. M. Morrow.

From the county of Pierce—Robert S. Moore, Frank S. Balch, O. P. Meeker.

From the county of King—David Phillips, Henry A. Smith.

From the county of Island—S. B. Crockett, J. C. Kellogg.

From the county of Kitsap—T. D. Hinkly, H. C. Wilson.

From the county of Jefferson—James Seavy.

From the county of Clallam—C. M. Bradshaw.

C. S IRBY,
Chairman.

On motion of Mr. Smith,

The report was adopted.

On motion of Mr. Morrow,

A committee of three was appointed by the Chair to await upon Secretary Mason, and request him to be present to administer the oath of office to members present.

Whereupon, Messrs. Miller, Stillman and Balch were announced by the Chair as said committee.

Mr. Miller, of said committee, to wait upon Secretary Mason, reported him in attendance.

On motion of Mr. Hinckley,

The roll was called.

Absent—Messrs. Anderson, of Lewis, and Kellogg, of Island.

Secretary Mason then administered the oath of office to members present, according to law.

Mr. Wilson then moved to proceed to the election of Speaker by ballot.

Mr. Kelly moved to amend so as to elect by *viva voce*.

Amendment carried.

The question being upon the motion as amended, it was carried.

Mr. Irby nominated for Speaker, Mr. Van Cleave.

Upon the vote being taken, Mr. Van Cleave received 24 votes; Mr. Hinckley 1 vote; blank 2 votes.

Mr. Van Cleave, having received a majority of all the votes cast, was declared duly elected Speaker.

On motion of Mr. Smith,

Messrs. Irby, Morrow and Baker were appointed a committee to conduct the Speaker to the chair.

On taking the chair the Speaker returned thanks for the honor conferred on him.

On motion of Mr. Morrow,

The House proceeded to the election of a Chief Clerk by *viva voce.*

The vote being taken, A. J. Cain was declared duly elected Chief Clerk.

On motion of Mr. Guthrie,

The House proceeded to the election of Assistant Clerk.

The vote being taken, Rufus Willard was declared duly elected Assistant Clerk.

On motion of Mr. Phillips,

The House proceeded to the election of Sergeant-at-Arms.

The vote being taken, Chas. J. Carpenter was declared duly elected Sergeant-at-Arms.

On motion of Mr. Guthrie,

The House proceeded to the election of Door-keeper.

The vote being taken, Wm. Rutledge, sr., was declared duly elected Door-keeper.

Secretary Mason administered the oath of office to each officer elected as prescribed by law.

On motion of Mr. Wilson,

The rules and orders of the session of 1856–57 were temporarily adopted.

On motion of Mr. Meeker,

The Sergeant-at-Arms was instructed to procure a sufficient number

of copies of the rules and orders for the use of the House:

On motion of Mr. Kelly,

The House resolved to meet daily at 10 o'clock, A. M.

Mr. Balch, by permission, offered the following resolution:

Resolved, That the Rev. J. F. Devore, of the M. E. Church, be requested to officiate as chaplain to the House of Representatives during the present session.

Mr. Smith moved to lay the resolution on the table.

The yaas and nays being called, resulted as follows:

Those voting in the affirmative were—

Messrs. Bullard, Crockett, Curtis, Fletcher, Guthrie, Glasgow, Jackson, Irby, Kelly, Meeker, Morrow, Seavy, Smith, and Mr. Speaker—14.

Those voting in the negative were—

Messrs. Bradshaw, Balch, Baker, Hinckley, Hutchinson, Moore, Miller, Peabody, Phillips, Shaw, Stillman, Taylor and Wilson—13.

So the motion to lay the resolution upon the table prevailed.

On motion of Mr. Morrow,

The House adjourned.

WEDNESDAY, Dec. 9th, 1857.

House met pursuant to adjournment.

The Journal of Tuesday read and approved.

The committee on Credentials reported Mr. Anderson of Lewis, as present, who received the oath of office as prescribed by law.

The Standing Committees were announced by the Chair as follows:

Elections—Irby, Balch and Hinckley.

Ways and Means—Miller, Curtis, Wilson, Stillman and Crockett.

Education—Kelly, Glasgow and Seavey.

Judiciary—Anderson, Peabody, Shaw, Kellogg and Morrow.

Claims—Bullard, Glasgow and Stillman.

Military Affairs—Shaw, Kelly, Peabody, Curtis and Naggs.

Roads and Highways—Crockett, Moore and Bullard.

Engrossed Bills—Balch, Smith and Taylor.

Enrolled Bills—Phillips, Meeker and Jackson.

Indian Affairs—Curtis, Naggs, Taylor, Guthrie and Bradshaw.

Commerce—Wilson, Seavey and Anderson.

Printing—Smith, Baker and Irby.

Corporations—Morrow, Fletcher and Hutchinson.

Memorials—Peabody, Miller, Jackson, Bradshaw and Phillips.

Counties—Jackson, Fletcher and Moore.

Rules and Orders—Hinckley, Baker and Meeker.

Agriculture—Guthrie, Hutchinson and Kellogg.

On motion of Mr. Morrow,

The Clerk was instructed to inform the Council that the House was now organized by the election of its officers, and ready to proceed to business.

On motion of Mr. Wilson,

An additional standing committee of five on Public Grounds and Buildings, were appointed, consisting of Messrs. Wilson, Miller, Irby, Phillips and Seavey.

On motion of Mr. Irby,

The Rules and Orders of 1856–57 were referred to the standing committee on Rules and Orders, for such corrections as might be necessary, who were to report to-morrow.

On motion of Mr. Meeker,

Ten o'clock, A. M., was fixed as the hour of meeting from day to day.

Mr. Jackson moved that the vote by which the resolution of Mr. Balch in reference to the Rev. J. F. Devore's officiating as chaplain was laid on the table, be reconsidered; pending which,

Mr. Kelly moved the motion be laid upon the table until the 29th day of January.

The yeas and nays being called, resulted as follows:

Those voting in the affirmative were—

Messrs. Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Kelly, Meeker, Morrow, Peabody, Seavey, Shaw, Taylor and Mr. Speaker—15.

Those voting in the negative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Jackson, Hinckley, Hutchinson, Miller, Moore, Phillips, Smith, Stillman and Wilson—13.

On motion of Mr. Morrow,

The House adjourned.

THURSDAY, Dec. 10, 1857.

House met pursuant to adjournment.

Absent—Messrs. Glasgow, Kellogg, Miller and Shaw.

Journal of Wednesday read and approved.

Mr. Hinckley, of committee on Rules and Orders, made the following report :

The committee on Rules and Orders report the Rules and Orders of last session, for the permanent government of this House during the present session with the following amendments :

Rule 32—Substitute "no member shall speak more than twice on the same question without leave of the House."

Rule 47—Insert in line first, the word "nineteen" in place of "seventeen," and add the following committees:

On Public Grounds and Buildings,

On Territorial Library.

T. D. HINCKLEY,
Chairman.

Report adopted.

On motion of Mr. Smith,

The Sergeant-at-arms was instructed to call upon the Secretary of the Territory and request copies of the laws and journals of the last, and previous sessions of the Legislature, for the use of officers and members of this House.

On motion of Mr. Wilson,

The Sergeant-at-arms was instructed to enquire of the Secretary of the Territory what had become of the map of this Territory which was in this hall during the last session; and, if not to be found, to request him to have another prepared.

Mr. Balch offered the following resolution:

Resolved, That any preacher of the gospel, who may be willing to accept the invitation, be requested to officiate as chaplain to the House of Representatives during the present session.

Mr. Bradshaw moved the adoption of the resolution.

Mr. Morrow moved the resolution be indefinitely postponed; upon which,

The yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Hinckley, Hutchinson, Kelly, Meeker, Morrow, Peabody, Seavy, Shaw, Smith, Taylor and Mr. Speaker—18.

Those voting in the negative were

Messrs. Anderson, Baker, Balch, Bradshaw, Jackson, Miller, Moore, Phillips, Stillman and Wilson—10.

On motion of Mr. Shaw,

The House adjourned.

FRIDAY, Dec. 11, 1857.

House met pursuant to adjournment.

Absent—Messrs. Kellogg and Wilson.

Journal of Thursday read and approved.

The Chair announced as the Standing Committee on Territorial Library, Messrs. Moore, Shaw and Taylor.

Message from the Council by their Clerk—

Mr. Speaker:—I am instructed by the Council to inform the House that the Council have permanently organized by the election of the following officers, to wit:

Hon. C. C. Pagett, President,
J. T. Turner, Chief Clerk,
T. Daniels, Assistant Clerk.
Jas. Wright, Sergeant-at-arms,
J. L. Morrow, Door-keeper,
And that the Council is now ready to proceed to business.

Mr. Balch introduced

H. J. R. No. 1—Relative to appointing a committee to wait upon the Governor.

Read first time.

On motion of Mr. Morrow,

The rules were suspended and the resolution read a second time now.

On motion of Mr. Phillips,

The rules were further suspended and the resolution read a third time now, by title.

Resolution adopted.

On motion of Mr. Kelly,

The Clerk was instructed to inform the Council forthwith of the adoption of the resolution by the House.

The Chair announced Messrs. Balch, Kelly and Baker, as the committee on the part of the House to wait upon the Governor.

On motion of Mr. Kelly,

The committee on Printing were instructed to procure six copies of

the Pioneer and Democrat weekly in wrappers, for the use of each mem ber and officer of this House during the present session.

Message from the Council by their Clerk—

Mr. Speaker:—I am instructed by the Council to report to the House the adoption of

H. J. R. No. 1—Relative to appointing a committee to wait upon the Governor, with the following amendments:

"That a committee of three, appointed on the part of the House, with a committee of two on the part of the Council, to wait upon His Excellency to-morrow at 10 o'clock, A. M."

The question, being upon the adoption of the resolution as amended by the Council, was, upon a call, divided; and,

On motion of Mr. Baker,

The House concurred in the first amendment.

The question then being upon the second amendment,

The House refused to concur.

On motion of Mr. Smith,

The Clerk was instructed to inform the Council that the House had concurred in their first, and non-concurred in their second amendment to H. J. R. No. 1.

Mr. Smith introduced

H. J. R. No. 2—Relative to Joint Rules.

Read a first time.

On motion of Mr. Meeker,

The rules were suspended, and the resolution read a second time by title.

On motion of Mr. Hinckley,

The rules were further suspended and the resolution read a third time by title.

Resolution adopted.

On motion of Mr. Meeker,

The Clerk was instructed to inform the Council of the adoption of H. J. R. No. 2, Relative to Joint Rules, by the House.

On motion of Mr. Wilson,

The committee on Ways and Means were instructed to enquire into the financial concerns of the Territory, and report the same as early as practicable.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to report back H. J. R. No. 1, and that the Council have refused to recede from their former amendment.

On motion of Mr. Kelly,

A committee of conference of two, were appointed to confer with a like committee on the part of the Council, relative to H. J. R. No. 1—Relative to appointing a committee to wait upon the Governor.

Messrs. Kelly and Wilson were appointed said committee.

On motion of Mr. Kelly,

The Clerk was instructed to inform the Council, that the House had appointed a committee of conference of two, consisting of Messrs. Kelly and Wilson, to confer with a like committee on the part of the Council relative to H. J. R. No. 1, and request their concurrent action therein.

Mr. Kelly in the chair.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to report to the House their adoption of H. J. R. No. 2—Relative to Joint Rules.

Also, that the Council have appointed Messrs. Wiley and Morrow to confer with the committee of conference on the part of the House on H. J. R. No. 1.

On motion of Mr. Van Cleave,

The House adjourned.

SATURDAY, Dec. 12, 1857.

House met pursuant to adjournment.

Journal of Friday read and approved.

Absent—Messrs. Kellogg and Wilson.

Mr. Hinckley, from joint committee on joint rules and orders, presented the following report:

Mr. Speaker:—I am instructed by the joint committee on joint rules and orders, to report to the House that they have attended to the duty assigned them, and recommend the adoption of the Joint Rules and Orders of the last session for the permanent government of this Legislative Assembly during the present session.

T. D. HINCKLEY,
Acting Chairman, on the part of the House.

On motion of Mr. Balch,

The report was adopted.

Mr. Kelly from joint committee of conference, made the following report:

The joint committee of conference—one on the part of the Council, and one on the part of the House, relative to H. J. R. No. 1—Relative to the appointment of a committee to wait upon the Governor, have instructed me to report that they have had the same under consideration, and advise the passage of the resolution referred to, with the amendment submitted by the Council concerning the number of the committee that the Council might see proper to appoint; advising, at the same time, that the Council recede from its proposition, to name any specified day or hour that either branch might designate, to receive communications from the Executive of the Territory.

Respectfully submitted,

WM. KELLY,
Chairman on part of the House.

Report adopted.

On motion of Mr. Meeker,

The Clerk was instructed to inform the Council that the House

had adopted the report of the joint committee of conference relative to H. J. R. No. 1—Relative to appointing a committee to wait upon the Governor, and ask their concurrent action therein.

Mr. Fletcher gave notice that on Monday he would move a suspension of the further calling of the roll every morning.

On motion of Mr. Anderson,

The committee on Education were instructed to take into consideration the propriety of a revision of the Common School laws of this Territory, and if such a measure shall be deemed advisable, to report by bill.

On motion of Mr. Hinckley,

The committee on Printing were instructed to furnish the Territorial Printer with a copy of the Rules and Orders adopted at this session, with instructions to have one hundred copies printed for the use of this House.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to report to the House that they have receded from the second amendment to H. J. R. No. 1, and that Messrs. Wallace and Maxon are appointed as a committee on the part of the Council to wait upon the Governor.

Mr. Balch, from the committee appointed to wait upon the Governor, reported that duty performed, and informed the House that the Governor would send whatever communications he had to make within one hour.

Mr. Miller, by leave, introduced

H. J. R. No. 3—Relative to a Geological survey by Dr. John Evans.

On motion of Mr. Guthrie,

The rules were suspended, and the resolution read a second time by title.

On motion of Mr. Morrow,

The rules were further suspended, and the resolution read a third time now by title.

On motion of Mr. Guthrie,

H. J. R. No. 3 was adopted.

A message from the Governor was received by his Secretary, and is as follows:

GOVERNOR'S MESSAGE.

Fellow Citizens of the Legislative Assembly:

In responding to your call, it affords me much satisfaction to communicate such information as I am in possession of, relative to the general condition of the country, and to make such suggestions as it is believed will be most conducive to the peace, happiness and welfare of this interesting Territory and its citizens

There is no one duty incumbent upon me to perform, that I approachwith greater diffidence in my own capacity, than that of laying before the Legislative Assembly such subjects as require legislative action.

Since first coming to your Territory, I have endeavored by every means within my reach to gain a knowledge of the condition of our citizens and their various wants.

My recent arrival in the Territory, and my limited knowledge consequent thereto, of its true condition, will, I fear, render it difficult for me to discharge this duty in a manner creditable to myself, or profitable to you. I trust, however, that your superior knowledge of the requirements of this people, will fully compensate for my own deficiency, and I can only say that I will bring into requisition all my energies for the promotion of the common good.

Having been chosen by your several constituencies to legislate for them and their welfare, it is reasonable to expect that each member will watch over the local interests of his own constituents, but at the same time, it is to be hoped that you will not lose sight of the general good of the whole.

In a community like ours, it can seldom happen that the interests of any one locality will be found in antagonism with the common welfare of all.

The prospects for the general prosperity of the country may not at present be encouraging. Business may languish amongst you, and it may be that some discontent prevails, and that a feeling of insecurity and

uncertainty about the future is felt; but it is believed these discouragements will be temporary and removable by proper exertions. It is said that "the darkest hour is just before day," and although this Territory may now be at its lowest point of depression, yet, if Congress will but pay the war debt as allowed by the commissioners, I feel assured that Providence has a brilliant future in store for her, if she be faithful to her own interests.

My attention has been called to our Indian relations, both foreign and domestic, and particularly to the frequent incursions of the Northern Indians upon the defenseless settlements in the northern portion of the Territory lying west of the Cascade mountains. I have urged upon the President of the United States and the Departments, the importance and necessity of sending two small but fleet war steamers to these northern waters: one to cruise upon Puget Sound and Admiralty Inlet, and the other in the waters adjacent to the 49th parallel; to the end that the lives and property of our people in that quarter may receive that protection against the hordes of savages inhabiting the British and Russian possessions, to which they are justly entitled.

I feel satisfied from my own personal observation, as well as from information received from the most reliable sources, that two war steamers, with a force of one hundred men each, would afford more ample protection to the settlements upon Puget Sound, than a thousand United States troops, stationed as they now are, remote from each other, without the means of giving pursuit to the enemy upon the water, and who can in fact, do but little more than protect themselves.

I have likewise communicated to the authorities at Washington, the circumstances connected with the murder of Col. Isaac N. Ebey, late Collector of Customs for the District of Puget Sound, by the Northern Indians, and would suggest, that you ask by memorial of the proper authorities, that such instructions be given to officers commanding United States steamers cruising on these waters, as will lead to the arrest of these murderers, even if it should be necessary to pursue them into their own country.

The grounds of complaint urged by our own Indians against the government, relative to the non-confirmation of treaties and the failure to pay them for their lands, has been fully dwelt upon in my communications.

I have also recommended that one or two of the principal chiefs of each of the tribes in this Territory, be invited to visit the City of Washington, in charge of a trusty and competent agent, and to be returned to their homes by the overland route. I am of opinion if this were done, it

would accomplish more towards giving them a proper idea of the power and force of our government, than any other policy which could be adopted with the same amount of money.

The joint commission for making the survey of, and marking the northern boundary line between the government of Great Britain and the United States, have been organized, and are making the necessary preparations for prosecuting the work early the coming spring.

It becomes my duty to call the particular attention of the Legislative Assembly, to the fact, that our neighbors of Oregon, did, in framing a State Constitution, incorporate within their boundaries a large and fertile tract of country belonging to the Territory of Washington, embraced in the Walla Walla valley. A section of country, which, if I am correctly informed, is of excellent quality—admirably adapted to agriculture, and capable of sustaining a population of seventy-five or one hundred thousand souls.

It would perhaps be unkind in me to say that I look upon this attempt thus to rob us of so valuable a portion of our Territory, as a political, moral, and social outrage. I cannot, therefore, urge too strongly upon you, the importance of sending to Congress a legislative protest against this attempt made to take from Washington a portion of her domain, and thus change the boundary between the two Territories, without even asking our consent.

If our neighbors had waited until we had grown up to political manhood as they have, and then had proposed to us by legislative negotiation, or otherwise to have obtained our assent, it would have looked differently; but now, that they are about to ask admission into the Union as a State, whilst we are yet in our infancy, with a white population of only about seven thousand, it is believed that seeking to drag a portion of our Territory in with them, would only jeopardize their own success.

I am of opinion therefore, that when all the facts are presented to Congress, they will not hesitate to confine Oregon to her original boundary line.

I regard an accession to our population as of the first importance to the proper development of the various resources of the country. I am of opinion that as many advantages are offered here, to the farmer, mechanic, lumberman and fisherman, as in any section of the Union. The high price of labor it seems would be an inducement to this class of citizens, worthy their attention.

With a view therefore to the encouragement of emigration, I would suggest for your consideration, the propriety of urging upon Congress the passage of an act donating to American citizens who now are, or

who may hereafter become actual settlers in the Territory, one hundred and sixty acres of land, without the onerous restrictions attached to the donation act of 1850—requiring immediate settlement and continued cultivation.

The prosecution of the public surveys have progressed steadily during the past year.—The amount surveyed and under contract for the year 1857, has been of township and sub-divisional lines, 1805 miles; meridian and standard parallel lines, 60 miles; number of claims surveyed under the donation act, 165; estimated number of miles to be surveyed in 1858, 2060 miles.

I would remind you of the fact, that the last Congress appropriated thirty thousand dollars for the erection of the capitol of the Territory. It is a matter of importance that you give this subject your early attention, in order that the funds may be made available, and the capitol erected as soon as practicable.

Your attention is called to the fact that there exists no legislative enactment in this Territory by which appropriation is made for the purpose of paying rewards for the apprehension of fugitives from justice. A case in point occurred in September last.—A prisoner, convicted of murder in Island county, escaped from confinement at Fort Steilacoom. On being notified of the fact by the commanding officer at that post, I offered a reward of three hundred dollars for his apprehension. He was arrested on his way to the Columbia river, by two citizens of Cowlitz county—James McDonald and Lorenzo P. Smith, and delivered again into the custody of the officer at Fort Steilacoom, and *for* which delivery, these men now claim the reward. I have respectfully to recommend that the proper action be taken by the Legislature for their relief.

The militia law needs amendment, and I would call your attention to the various defects therein, and suggest that it be so amended as to allow the formation of volunteer companies.

I have turned over to the Quartermaster General, W. W. Miller, all public arms belonging to the Territory, and that officer is now having them cleaned and repaired, and I would recommend that an appropriation be made by the Legislature to meet this necessary expenditure.

I am much gratified to find the school system of the Territory as well perfected as it seems to be. I look upon the subject of education as one of paramount interest to every community, for, unless the public mind be enlightend, no people can ever attain a very high degree of prosperity and happiness.

Our proud pre-eminence amongst the nations of the earth does not result solely from the fertility of the soil, and our free form of govern-

ment; but the great leading power is the universality of education, and the large proportion of intelligent thinking minds among our people.

Information recently received from various sources to be relied upon, go to show that the gold fields in the vicinity of Fort Colville, and the country adjacent, are likely to prove quite remunerative to those who are now working them. It is said that men engaged in the diggings are making from $6 to $16 per day, and I feel assured that with the proper machinery and good management, the mines in that region will become a source of great wealth and profit.

With regard to internal improvements, I need do but little more than call your attention to the fact, that the subject of a Railroad across the Continent, engrosses a large share of the public attention throughout the nation, and whilst other sections are straining every nerve to secure to themselves the advantages to be derived from its location, Washington Territory is making no effort in her own behalf, although it is believed that the route passing through her domain, from Puget Sound by way of Fort Benton, and thence to the head of Lake Superior, or the Mississippi, offer the shortest and most practicable line from the Atlantic to the Pacific.

To other portions of the confederacy, the location of this great national highway will add prosperity and greatness; to us, it is the great fountain from which must flow *all* our future prosperity.

From what I have seen of this most important of all the Territories, and from the most reliable information I can get of the great interior portion of it lying between the Cascade and Rocky mountains—the mildness of its climate—its arable and its grazing lands, stretching to its eastern boundary, I am brought to the conclusion that the northern route possesses as many, if not more natural advantages for a railroad than any other across the continent.

This fact will be the more apparent when it is known that a distance of only some five hundred miles separate the navigable waters of the Columbia from those of the Missouri, thus affording a line of transportation for material and laborers in the construction of the road, far into the interior from both the Pacific and Atlantic slopes.

When it is remembered that the northern route has the great advantage over any other both as to population and capital—that taking the equated distance, it is the shortest route by some two hundred miles—that the country through which it passes is well watered, and that along the line is said to be a great sufficiency of material for its construction—that its terminus on the Pacific is upon the waters of Puget Sound, one of the largest and most commodious harbors in the world—being the nearest

to, and the facing oriental nations, and *finally*, that proceeding towards the Atlantic, it strikes the Mississippi, the great highway to the southern States, and connects with the great water and railroad lines terminating on the Atlantic sea-board: I cannot but believe that this route will be thought worthy of, and receive that consideration at the hands of Congress and the American people, which its many advantages entitle it to.

Present indications go to show that most serious difficulties are likely to occur between the government of the United States and the people of the Territory of Utah. Looking to this result, and also to the well known fact of the hostility of all the Indian tribes in that quarter, it would seem that a more northern and less dangerous road might be established and protected by the government, for emigrants from the Atlantic States to the territories of Oregon and Washington, by the route over which Congress by act approved March 3d, 1855, established a mail route from St. Anthony on the Mississippi river, to Puget Sound; and *did*, also, by act approved February 6th, 1855, appropriate the sum of thirty thousand dollars for the construction of a military road from the Great Falls of the Missouri to Walla Walla.

I am of opinion therefore, that in view of the fact that Congress did pass these acts as above recited, establishing a mail route on this northern line, and appropriating money for the construction of a military road over a very important portion of it, they will, by proper memorial of the Legislative Assembly, in behalf of the people of this Territory, certainly not fail to cause them to be carried out in the same spirit with which they acknowledge the necessity of their passage.

In view of these facts, I have transmitted to the Secretary of war a copy of "Joint Resolutions" of the Legislature, passed at the session of 1855–6, "concerning the protection of settlers and emigrants between the Mississippi valley and the Pacific Ocean," &c., and to which I respectfully call your attention as worthy some further action during the present session.

I cannot, fellow citizens, close this communication without congratulating you and the American people upon the election of the Hon. James Buchanan as President of the United States. He has been most fortunate in selecting as his cabinet advisers, gentlemen of enlarged and liberal views, who are true to the Constitution and the Union, and who will contend as I believe, for the rights and equality of the States. Our able Post Master General has already done much for this, our remote Territory, in giving us the benefit of a mail steamer on Puget Sound, by contract with Messrs. Hunt & Scranton, and at the same time, by the terms of said contract, we have the right to press their steamer, the "Con-

stitution," into the war service of the country. He has also given us the benefit of a mail service, by contract with the Pacific Mail Steamship Company, direct from San Francisco to Olympia.

I have the most abiding confidence that the President will give us that aid—through the Navy and War Department, which our people so much require, and which in his judgement, may be compatible with the public interest.

In conclusion, I will say to you my countrymen, that if we wish to preserve this great and glorious Union—which has recently been shaken to its very centre, and which I seriously fear is still in imminent danger, it can only be done by adhering strictly to the Constitution—that sacred instrument, which will be to us, as a "cloud by day, and a pillow of fire by night." We must at the same time practice and carry out the clear and unmistakable doctrine of non-intervention, a doctrine which will and must be maintained so long as we recognize the doctrine of a representative government.

If we will but do these things, I hope and believe that God in the plentitude of hismercy will continue to bestow upon us, as he has hitherto done, his rich and innumerable blessings.

That I may err in judgement, my knowledge of myself forbids me to deny; but, gentlemen, if I can have your co-operation, and that of the people of this Territory, I flatter myself that I shall be able to discharge the duties devolving upon me, and to give to you a peaceful and prosperous administration.

FAYETTE McMULLIN.

December 12th, 1857.

On motion of Mr. Balch,

The message of the Governos was laid on the table, and the printing of one thousand copies ordered.

On motion of Mr. Guthrie,

The rules were suspended, and the Clerk instructed to report to the Council of the adoption of H. J. R. No. 3—Relative to a Geological survey by Dr. John Evans, and request their concurrent action therein.

On motion of Mr. Guthrie,

When the House adjourn it adjourn until Monday 1 o'clock, P. M.

On motion of Mr. Shaw,

The House adjourned.

MONDAY, December 14, 1857.

House met pursuant to adjournment.

Journal of Saturday read and approved.

Absent—Messrs. Baker, Glasgow, Hinckley, Meeker, Miller, Phillips, Shaw and Wilson.

The committee on Credentials reported Mr. Kellogg, of Island, as present, to whom the oath of office was then administered as prescribed by law.

The Speaker laid before the House the Annual Report of the Territorial Treasurer, viz:

HON. J. S. M. VANCLEAVE,

Speaker House of Representatives:

SIR:—

Herewith is submitted my Annual Report for the fiscal year ending 12th inst.

WM. COCK,
Territorial Treasurer.

December 13th, 1857.

OFFICE OF THE TERRITORIAL TREASURER,
OLYMPIA, W. T., Dec. 14th, 1857.

To the Legislative Assembly of the Territory of Washington:

In accordance with the requirements of law, the undersigned has the honor to submit the following report:

William Cock, Territorial Treasurer,
in act. with Washington Territory, Dr.

1857.

	To balance remaining in Treasury, Dec. 13, 1856,	$63 36
Jan. 1st.,	To amount received from Treasurer of Jefferson county,	77 35
Jan. 2d,	To am't received from Treasuer of Thurston co.,	121 38
" 19,	" " " " " "	249 76
" 21,	" " " " Jefferson "	91 40
" 30,	" " " " Clarke, "	150 00
" 31,	" " " " King "	66 74
March 11,	" " " " " "	50 00
April 25,	" " " " " "	46 75
July 17,	" " " " Pierce, "	100 00
Nov. 2,	" " " " " "	260 13
" 2,	" " " " Thurston "	464 50
" 4,	" " " " Whatcom "	22 01
Dec. 8,	" " " " Kitsap, "	106 12
" 10,	" " " " Clarke, "	130 00
	Total,	$1,999 50

William Cock, Territorial Treasurer,
in ac't. with Washington Territory, Cr.

1857—On account of moneys disbursed:

Jan. 1,	By cash paid on warrant		No.	1,	of 1857,	$100 00
" 12,	"	"	"	10,	1856,	18 00
" 17,	"	"	"	4,	1855,	180 00
" "	"	"	"	5,	"	55 00
" 20,	"	"	"	4,	1857,	30 00
" 24,	"	"	"	17,	"	125 00
" 30,	"	"	"	8,	"	10 00
" "	"	"	"	5,	"	100 00
" "	"	"	"	6,	"	50 00
Feb. 5,	"	"	"	3,	"	75 00
" "	"	"	"	28,	"	6 00
" 9,	"	"	"	2,	"	100 00
July 17,	"	"	"	20,	"	100 00
Nov. 2,	"	"	"	24.	1856,	50 00
" "	"	"	"	10,	1857,	25 00

Total,	$1,024 00
Commission on receipts and disbursements at 2 per cent.,	$60 47
Leaving a balance in Treasury, Dec. 14, 1857, of	$963 53

Not having received any statement from the Territorial Auditor, I am unable to report with regard to the indebtedness of the several counties in the Territory.

All of which is respectfully submited.

WILLIAM COCK,
Territorial Treasurer.

On motion of Mr. Kelly,

The report was laid on the table, and the printing of one hundred copies ordered.

On motion of Mr. Stillman,

The committee on Roads and Highways were instructed to take into consideration the propriety of revising the road laws, and if necessary, to report by bill.

On the motion of Mr. Fletcher to dispense with the calling of the roll, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Bullard, Fletcher, Guthrie, Peabody and Mr. Speaker—5.

Those voting in the negative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Crockett, Curtis, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Miller, Moore, Morrow, Phillips, Seavey, Smith, Stillman and Taylor—20.

On motion of Mr. Anderson,

The committee on Memorials were instructed to report a Memorial, asking Congress to so change our judicial system, as to allow the holding of terms of the District Court in each county in this Territory.

Mr. Miller, by leave, introduced

H. B. No. 1—An act for the erection of the public buildings at the Seat of Government of Washington Territory.

Read first time.

On motion of Mr. Balch,

Laid on the table, and ordered to be printed.

Mr. Fletcher, by leave, introduced

H. B. No. 2—An act repealing an act entitled, an act establishing the rate of ferriage across the Columbia river, in Clarke county.

Read first time.

On motion of Mr. Balch,

Referred to committee on Roads and Highways

On motion of Mr. Taylor,

Rules suspended and bill read second time by title.

Mr. Fletcher, on leave, introduced

H. B. No. 3—An act to amend an act entitled, an act to amend an act to increase the county revenue.

Read first time.

On motion of Mr. Morrow,

Laid on the table and ordered to be printed.

Mr. Miller, on leave, introduced

H. B. No. 4—An act appropriating money from the Territorial treasury for cleaning and repairing the public arms.

Read first time.

On motion of Mr. Stillman,

Laid on the table and ordered to be printed.

Mr. Morrow, on leave, introduced

H. J. R. No. 4—For the protection of emigrants.

Read first time and ordered to second reading.

Mr. Balch, by the unanimous consent of the House, called the attention of the House to the following extract from the Democratic Standard, of date Dec. 3, 1857, and moved that the matter be referred to the committee on the Judiciary, with instructions to give it their immediate and serious consideration, and report at an early day:

"As we have good reason to believe that the hostility of the Indian tribes which heretofore menaced the people of Oregon and Washington Territories is not dead but only sleeps to gain strength and vigor, may we not have good reason to apprehend that every success of the Mormons against our troops will tend to wake up this hostility of these tribes, and encouraged by Mormon instigations, may we not reasonably fear a renewal of hostilities against our people on the part of these tribes?

"It has been known that for months past large numbers of Mormons have been resident on Salmon river, in Washington Territory; that they have, during the past season raised about one thousand acres of grain there; that they have communicated freely with all the northern tribes of Indians; that they have sought to infuse among them hatred of our people; that they have discussed with them freely the prospects of a collision between the Mormons of Salt Lake and the people of the United States, and sought to enlist these Indians as their allies in the event of such a

collision. The Indians, too, have counselled among themselves about the propriety of becoming the allies of the Mormons. What, then, may be the effect of this recent success of the Mormons against our troops upon the people of Oregon and Washington? Surely there is sufficient cause for us to observe closely the signs of the times"

Mr. Miller moved to amend by referring to the committee on Military Affairs.

On motion of Mr. Kelly,

The motion and amendment were laid on the table.

Mr Fletcher gave notice that he would on to-morrow, offer a motion to have the calling of the roll precede the reading of the Journals.

On motion of Mr. Smith,

The House adjourned.

TUESDAY, Dec. 15, 1857.

House met pursuant to adjournment.

Journal of Monday read and approved.

Absent—Messrs. Glasgow, Kelly, Meeker, Miller, Peabody, Phillips and Shaw.

Mr. Curtis, by leave, introduced,

H. B. No. 5—An act to amend an act entitled, an "act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the Penitentiary of Washington Territory.'"

Read first time.

On motion of Mr. Irby,

Referred to committee on Public Grounds and Buildings.

Mr. Fletcher, by leave, introduced

H. B. No. 6—An act to amend an act entitled, "an act appointing commissioners to select a site and superintend the construction of the Penitentiary of the Territory of Washington."

Read first time.

On motion of Mr. Morrow,

The rules were suspended and read second time by title.

On motion of Mr. Smith,

Was referred to committee on Public Grounds and Buildings.

Mr. Bradshaw, on leave, introduced

H. B. No. 7—An act repealing jurisdiction of probate courts and justices of the peace.

Read first time and ordered to a second reading.

On motion of Mr. Fletcher,

Rule No. 29 was amended so that the calling of the roll should precede the reading of the journals.

H. J. R. No. 4—For the protection of emigrants,

Was read a second time.

On motion of Mr. Balch,

Referred to committee on Military Affairs.

On motion of Mr. Moore,

The Governor's Message was taken from the table and referred to committee of the whole House.

Whereupon, the House resolved itself into committee of the whole, Mr. Morrow in the chair.

After some time spent in the committee of the whole, the committee rose, and reported through their chairman that they would recommend that various portions of the message be referred to standing committees as follows:

That portion referring to "our Indian relations," to the committee on Indian Affairs.

That portion referring to "a portion of the Walla Walla valley being included within the proposed boundaries of the State of Oregon," to the committee on Memorials.

That portion referring to "fugitives from justice," to the committee on the Judiciary.

That portion referring to "sending Indian chiefs to Washington City," to the committee on Indian Affairs.

That portion referring to "emigration to this Territory," to the committee on Memorials.

That portion referring to "the militia law," to the committee on Military Affairs.

That portion referring to "payment for cleaning and repairing public arms," to the committee on Claims.

That portion referring to the "Northern Pacific Railroad," to the committee on Commerce.

That portion referring to "the Colville Gold Mines," to the committee on Military Affairs.

That portion referring to "our school system," to the committee on Education.

That portion referring to "the appropriation by Congress for the erection of a capitol building in this Territory," to the committee on Public Grounds and Buildings.

That portion referring to "the northern mail route," to the committee on Memorials.

All of which is respectfully submitted, and ask to be discharged from further consideration of the subject.

The Speaker resumed the chair.

Message from the Council by their Clerk—

MR. SPEAKER:—I am instructed by the Council to report to the House that the Council have passed

H. J. R. No. 3—Relative to a geological survey by Dr. John Evans; also,

C. J. R. No. 1—Relative to Oregon including a portion of the Territory of Washington within its proposed boundaries as a State.

On motion of Mr. Kelly,

The report was adopted.

Mr. Curtis gave notice that he would, on to-morrow, offer a motion to have Mr. Balch placed on the committee of Education and Military Affairs.

On motion of Mr. Taylor,

The House adjourned.

WEDNESDAY, Dec. 16, 1857.

House met pursuant to adjournment.

Absent—Messrs. Hinckley, Phillips and Wilson.

Journal of Tuesday read and approved.

Mr. Crockett, of committee on Roads and Highways, to whom was referred

H. B. No. 2—Relative to establishing the rates of ferriage across the Columbia river in Clarke county,

Reported the same back to the House without amendment and recommended its passage.

On motion of Mr. Smith,

The report was adopted.

Mr. Meeker presented

H. M. No. 1—Praying, where settlers were driven from their claims by the Indian war, their titles to the same may be confirmed.

Read first time.

On motion of Mr. Balch,

Was laid upon the table, and ordered to be printed.

Mr. Meeker presented

H. J. R. No. 5—Relative to appointing a committee to report the expediency of appointing a commission to revise the laws of this Territory.

Read first time.

On motion of Mr. Smith,

The rules were suspended, and the resolution read a second time by title.

Mr. Morrow moved the further suspension of the rules, that the resolution might be read a third time now.

Pending which,

On motion of Mr. Guthrie,

The resolution was referred to the committee on the Judiciary.

Mr. Smith presented

H. M. No. 2—Praying for an appropriation to indemnify citizens of Washington Territory for property destroyed during the late Indian war.

Read first time, and ordered to second reading.

Mr. Miller, by leave, introduced

H. J. R. No. 6—Relative to calling upon the Governor for copies of his communication to the departments at Washington, relative to the affairs of this Territory.

Read first time; and,

On motion of Mr. Wilson,

The rules were suspended and the resolution read a second time.

On motion of Mr. Morrow,

The rules were further suspended, and the resolution read a third time.

Resolution adopted.

On motion of Mr. Smith,

The Clerk was instructed to forthwith report to the Council the adoption of H. J. R. No. 6, by the House.

On motion of Mr. Curtis,

The committee on Education was increased to five, and Mr. Balch

placed upon said committee as well as upon the committee of Military Affairs.

Mr. Peabody, by leave, introduced

H. B. No. 8—An act to alter the boundary of Whatcom county.

Read a first time and ordered to a second reading.

H. B. No. 7—An act repealing jurisdiction of probate courts, and justices of the peace.

Read second time; and,

On motion of Mr. Balch,

Was referred to committee on the Judiciary.

On motion of Mr. Smith,

H. B. No. 4—An act appropriating moneys from the Territorial treasury for cleaning and repairing the public arms,

Was taken from the table and read a second time.

Mr. Kelly offered the following amendment:

Sec. 2. That one hundred and sixty-five dollars and thirty-seven and a half cents, are hereby appropriated out of the Territorial treasury to pay the county of Clarke for moneys paid by said county for transportation of public arms in March, 1856.

Pending which,

On motion of Mr. Meeker,

The bill and amendment offered, were referred to the committee on Claims.

Business from Council.

C. J. R. No. 1—Relative to Oregon including a portion of the Territory of Washington within its proposed boundaries as a state.

Read first time; and,

On motion of Mr. Smith,

The rules were suspended and the resolution read a second time by title.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to report to the House of their adoption of H. J. R. No. 6.

Mr. Shaw moved to refer C. J. R. No. 1, to committee on Memorials. Lost.

Mr. Balch moved to amend by striking out the words "wanting in courtesy and right." Lost.

Mr. Meeker moved to refer to committee on Memorials. Lost.

Mr. Curtis moved to refer to committee on Military Affairs. Lost.

Mr. Kelly moved that the rules be suspended and the resolution read a third time now.

Mr. Balch moved to refer to committee on the Judiciary. Lost.

Mr. Balch moved to lay the resolution upon the table, and order it to be printed. Lost.

On motion of Mr. Guthrie,

The previous question was demanded.

The question being on Mr. Kelly's motion to suspend the rules, and that C. J. R. No. 1 be read a third time now. Lost.

C. J. R. No. 1 was then ordered to a second reading.

On motion of Mr. Meeker,

The House adjourned.

THURSDAY, December 17, 1857.

House met pursuant to adjournment.

Absent—None.

Journal of Wednesday read and approved.

Mr. Smith was announced by the chair as the additional member of the committee on Education.

Mr. Bullard, of committee on Claims, made the following report:

The committee on Claims to whom was referred H. B. No. 4—Relative to appropriating money out of the Territorial treasury for repairing

and cleaning the public arms, would beg leave to report the bill back to the House without amendment and recommend its passage.

And said committee would further state that they have had under consideration the amendment offered by Mr. Kelly, and would recommend that it come up in a separate bill.

J. BULLARD,
Chairman.

On motion of Mr. Shaw,

The report was adopted.

Mr. Anderson from committee on Judiciary made the following report:

The committee on Judiciary, to whom was referred H. J. R. No. 5—Relative to appointinge a committe to report upon the expediency of appointing a commission to revise the laws of this Territory, have had the same under consideration, and have instructed me to report said resolution back to the House with amendments and recommend its passage.

J. W. ANDERSON,
Chairman.

On motion of Mr. Hinckley,

The report was adopted.

Mr. Shaw, of committee on Military Affairs, made the following report:

The committee on Military Affairs, to whom was referred H. J. R. No. 4—Relative to the protection of emigrants—have had the same under consideration, and instructed me to report the same back, with the recommendation that it be indefinitely postponed.

B. F. SHAW,
Chairman.

On motion of Mr. Wilson,

The report was adopted.

On motion of Mr. Shaw,

The committee on Territorial Library were instructed to examine into its condition and report to the House at an early day.

On motion of Mr. Balch,

A select committee of three were appointed to wait upon the Territorial Auditor, and enquire the reason of his not having made his annual report to this House.

Messrs. Balch, Bullard and Miller were appointed said committee.

Mr. Anderson offered the following resolution:

Resolved, That the Register of the Land Office be requested to inform this House what amount of land had been located by the county superintendents of common schools for university purposes, in accordance with an act passed January 31st, 1855, entitled, "an act to provide for the selection and location of two townships of lands to aid in the establishment of a university."

On motion of Mr. Balch,

The resolution was adopted.

H. B. No. 8—An act to alter the boundary of Whatcom county,
Read a second time.

On motion of Mr. Kelly,

Referred to committee on Counties.

H. M. No. 2—Praying for an appropriation to indemnify citizens of Washington Territory for property destroyed during the late Indian war.

Read a second time.

On motion of Mr. Anderson,

Referred to committee on Memorials.

Council Business:

C. J. R. No. 1—Relative to Oregon including a portion of the Territory of Washington within its proposed boundaries as a State.

Read a third time; and,

The question being on its adoption, the yeas and nays were demanded and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kelly, Kellogg, Meeker, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—29.

Nays—None.

Resolution adopted.

On motion of Mr. Kelly,

The Clerk was instructed to report to the Council forthwith of the adoption of C. J. R. No. 1 by the House.

On motion of Mr. Guthrie,

H. B. No. 1—An act for the erection of the public buildings at the seat of government of Washington Territory,

Was taken from the table, and ordered to a second reading.

Mr. Miller moved a suspension of the rules, and that

H. B. No. 4—An act appropriating money from the Territorial treasury for cleaning and repairing the public arms,

Be considered engrossed and read a third time now.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Miller, Moore, Morrow, Peabody, Phillips, Seavey, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—27.

Those voting in the negative were—

Messrs. Balch and Meeker—2.

The rules were suspended and H. B. No. 4 read a third time.

The question being upon its passage, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—28.

Those voting in the negative were—

Mr. Balch—1.

So the bill was passed and its title agreed to.

On motion of Mr. Smith,

The Clerk was instructed to forthwith report to the Council the passage of H. B. No. 4, by the House.

Mr. Shaw, by leave, introduced

H. B. No. 9—An act to repeal an act entitled, "an act to amend an act entitled, 'an act to increase county revenue.'"

Read a first time and ordered to a second reading.

On motion of Mr. Meeker,

H. J. R. No. 5—Relative to appointing a committee to report the expediency of appointing a commission to revise the laws of this Territory,

Under a suspension of the rules, was considered engrossed and read a third time now.

Resolution adopted.

On motion of Mr. Meeker,

The Clerk was instructed to report forthwith to the Council of the adoption of H. J. R. No. 5, by the House.

On motion of Mr. Balch,

H. B. No. 2—An act repealing an act entitled, "an act establishing the rate of ferriage across the Columbia river, in Clarke county,"

Was considered engrossed, and read a third time now.

The question being upon the final passage of the bill, it was passed.

On motion of Mr. Hinckley,

The title was amended as follows: add the words, "passed, January 9th, 1857."

Title agreed to.

On motion of Mr. Kelly,

The House adjourned.

FRIDAY, Dec. 18, 1857.

House met pursuant to adjournment.

Absent—Messrs. Balch, Glasgow, Meeker, Phillips, Smith and Wilson.

Journal of Friday read and approved.

Mr. Miller presented petition of Fayette McMullin, of Thurston county, praying a divorce from Polly A. McMullei.

Message from the Council by their Clerk—

Mr. Speaker:—I am instructed by the Council to report to the House that the Council have passed

H. B. No. 4—Relative to appropriating money from the Territorial treasury for cleaning and repairing public arms.

Mr. Kelly presented the petition of Chas. J. Bird, praying a divorce from an Indian wife.

Mr. Peabody, of the committee on Memorials, made the following report:

The committee on Memorials, to whom H. M. No. 2 was referred, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

R. V. PEABODY,
Chairman.

Mr. Jackson, of the committee on Counties, made the following report:

The committee to whom was referred H. B. No. 8, have had the same under consideration, and have directed me to report the bill back to the House with the following amendments:

First amendment. By striking out the word "northern," in the first line, and inserting the word "west."

Second amendment. By striking out all after the word "possessions," in the same section, and insert "in the Gulf of Georgia, thence along said boundary line in the straits of Juan de Fuca."

HENRY JACKSON,
Chairman.

Mr. Balch, of select committee to wait upon Territorial Auditor, made the following report:

The select committee to whom was referred the duty of waiting upon the Territorial Auditor, to ascertain the reason of his delay in presenting his annual report, have discharged that duty, and beg leave to report to the House: That said officer informs the committee that the tardiness of the county auditors in transmitting their reports, has been the cause of his delay. On Monday next, he will submit to the House his annual report.

FRANK S. BALCH,
Chairman.

Mr. Anderson in the Chair.

Mr. Guthrie, by leave, introduced

H. B. No. 10—An act appropriating money from the Territorial treasury to pay for certain printing.

Read first time, and ordered to second reading.

Mr. Glasgow, by leave, introduced

H. B. No. 11—An act relative to estrays.

Read first time and ordered to a second reading.

Mr. Crockett, by leave, introduced

H. B. No. 12—An act to regulate the draining of marsh and swamp lands.

Read first time and ordered to a second reading.

H. B. No. 1—An act to provide for the erection of the public buildings at the seat of government of Washington Territory.

Read first time; and,

On motion of Mr. Guthrie,

Referred to committee on Public Grounds and Buildings.

H. B. No. 9—An act to repeal an act entitled, "an act to amend an act entitled, 'an act to increase county revenue.'"

Read second time; and,

On motion of Mr. Shaw,

Referred to committee on Judiciary.

The petition of Fayette McMullin, of Thurston county, was taken up; and,

On motion of Mr. Balch,

Was referred to the committee on the Judiciary.

The petition of Chas. J. Bird, of Clarke county, was taken up; and,

On motion of Mr. Smith,

Referred to the committee on the Judiciary.

H. M. No. 2—Praying for an appropriation to indemnify citizens of Washington Territory, which had been referred to the committee on Memorials, was taken up; and,

On motion of Mr. Van Cleave,

Was considered engrossed, and to-morrow assigned for its third reading.

H. B. No. 8—An act to alter the boundary of Whatcom county,

Which had been referred to the committee on Counties, and reported back with amendments, coming up;

On motion of Mr. Wilson,

Was laid upon the table, and ordered to be printed, including amendments.

On motion of Mr. Kelly,

Report of select committee to wait upon Territorial Auditor, was received, and the committee discharged.

The Speaker resumed the chair.

On motion of Mr. Fletcher,

H. B. No. 3—An act to amend an act entitled, "an act to amend an act entitled, 'an act to increase the county revenue,'"

Was taken from the table.

On motion of Mr. Irby,

Rules suspended and bill read second time by title.

On motion of Mr. Irby,

Was referred to committee on the Judiciary.

On motion of Mr. Meeker,

H. M. No. 1—Praying, where settlers were driven from their claims by the Indian war, their titles to the same may be confirmed,

Was taken from the table; and,

On motion of Mr. Balch,

The rules were suspended, and the memorial read a second time.

On motion of Mr. Balch,

The rules were further suspended, and the memorial read a third time and passed.

On motion of Mr. Meeker,

The Clerk was instructed to report forthwith to the Council the adoption of H. M. No. 1, by the House.

Mr. Meeker gave notice that on some future day, he would offer an amendment to the 19th section of the road law.

Mr. Balch gave notice that on some future day, he would offer an amendment to the law "prohibiting the sale of liquor to Indians.

On motion of Mr. Moore,

The House adjourned.

MONDAY, December 21, 1857.

House met pursuant to adjournment.

Absent—Messrs. Kellogg, Smith and Wilson.

Journal of Saturday read and approved.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to report to the House that the Council have passed

H. B. No. 2—An act repealing an act entitled, "an act establishing the rate of ferriage across the Columbia river, in Clarke county,"

Also, of the introduction of

C. B. No. 2—An act to view and locate a Territorial road from or near the house of J. C. Cochran, to the military road near Joseph Borst's.

Mr. Shaw presented the petition of B. F. Kendall and B. P. Anderson, of Thurston county, praying an appropriation for services as counsel on behalf of the Territory in the case of Leschi (Indian) vs. Washington Territory.

H. J. R. No. 7—Relative to the adjournment of the Legislature over the holidays.

Read second time; and,

On motion of Mr. Guthrie,

Was so amended as to read "one o'clock P. M., on Monday, the 4th day of January, 1858.

On motion of Mr. Balch,

The rules were suspended and the resolution read a third time.

Resolution adopted.

H. B. No. 13—An act relative to the distribution of the public arms.

Read a second time; and

On motion of Mr. Shaw,

Referred to the committee on Claims.

H. B. No. 14—An act to amend an act entitled, "an act to incorporate the city of Vancouver."

Read second time; and,

On motion of Mr. Kelly,

Was amended by inserting a new section between the 16th and 17th sections; and,

On motion of Mr. Balch,

Was referred to the committee on Corporations.

H. B. No. 15—An act to prevent the sale of intoxicating liquors to Kanakas.

Read a second time; and,

On motion of Mr. Shaw,

Referred to committee on Judiciary,

H. B. No. 16—An act to repeal an act authorizing Wm. Packwood to establish a ferry across the Nisqually river.

Read second time; and,

On motion of Mr. Meeker,

Indefinitely postponed.

H. B. No. 17—An act to dissolve the bonds of matrimony existing between Fayette McMullin and Polly A. McMullin.

Read second time; and,

On motion of Mr. Meeker,

Section 2 was stricken out.

The question being on ordering the bill to be engrossed and read a third time, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Balch, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Miller, Morrow, Peabody, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—23.

Those voting in the negative were—

Messrs. Baker, Bradshaw, Moore and Phillips—4.

So the bill was ordered to be engrossed and read a third time.

H. B. No. 5—An act to amend an act entitled, an "act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the Penitentiary of Washington Territory,'"

Which had been referred to the committee on Public Grounds and Buildings, was reported back with amendments and a recommendation that it be passed.

On motion of Mr. Balch,

The report of the committee on Public Grounds and Buildings, together with H. B. No. 5, were re-committed.

Mr. Phillips, from committee on Enrolled Bills, reported as correctly enrolled the following:

C. J. R. No. 1—Relative to Oregon including a portion of the Territory of Washington within its proposed boundaries as a State.

H. J. R. No. 2—Relative to Joint Rules.

H. J. R. No. 3—Relative to a geological survey by Dr. John Evans;

H. J. R. No. 6—Relative to calling upon the Governor for copies of his communications to the departments at Washington, relative to the affairs of this Territory.

H. B. No. 4—Relative to appropriating money from the Territorial treasury for cleaning and repairing public arms.

H. B. No. 1—An act for the erection of the public buildings at the seat of government of Washington Territory,

Which had been referred to the committee on Public Grounds and Buildings, was reported back with amendments, and a recommendation that it be passed.

Mr. Balch moved that the bill be laid upon the table, and made the order of the day for the tenth day of January next.

Pending which motion,

On motion of Mr. Guthrie,

The bill was laid on the table, and ordered printed.

Mr. Wilson, by leave, introduced

H. B. No. 18—An act authorizing United States coast surveying parties to enter upon lands in Washington Territory, to erect signals, &c., and to prevent injury to said signals,

Read first time and ordered to a second reading.

Communication from the Register of the Land Office:

REGISTER'S OFFICE, OLYMPIA, W. T., December 21, 1857.

HON. J. S. M. VAN CLEAVE,

Speaker of the House of Representatives:

SIR:—I have been notified of the adoption by the House of Representatives, Dec. 18th, 1857, of a resolution requesting the Register of the Land Office to inform that body what amount of land had been located by the county superintendents of common schools for university purposes, in accordance with an act passed January 31st, 1855, entitled, "an act to provide for the selection and location of two townships of land to, aid in

the establishment of a university," and in reply, I would most respectfully state that this office has not been informed of any lands having been located under the provisions of said act.

Very respectfully, your obedient servant,

W. A. STRICKLER,
Register.

On motion of Mr. Moore,

The House adjourned.

TUESDAY, Dec. 22, 1857.

House met pursuant to adjournment.

Absent—Mr. Wilson.

Journal of Monday read and approved.

Mr. Balch, from committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined H. B. No. 17—An act to dissolve the bonds of matrimony existing between Fayette McMullin and Polly A. McMullin, and beg leave to report the same as correctly engrossed.

Mr. Crockett, of the committee on Roads and Highways, made the following report:

The committee have instructed me to report and recommend the following amendments to "an act in relation to the construction of roads and defining the duties of supervisors of highways," passed January 28th, 1857:

"Sec. 19, to read as follows: The county commissioners shall, if they deem it necessary, at their March term, divide their respective counties into convenient road districts, and cause a brief description of the same to be recorded in the road books of the county.

"Sec. 20, in second line, strike out "May," and insert "February," and in seventh line, strike out "June," and insert "March."

"Sec. 21, in second line, strike out "June," and insert "March," and in eighth line, strike out "June," and insert "March."

"Sec. 40, in first line, strike out "June," and insert "March."

S. B. CROCKETT,
Chairman.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed by the Council to report to the House that the Council have passed

C. B. No. 2—An act to view and locate a Territorial road from or near the house of J. C. Cochran, to the military road near Joseph Borst's, and that they have agreed to the title.

The Speaker gave notice that he was about to sign C. J. R. No. 1, H. J. R. No. 2, H. J. R. No. 3, H. J. R. No. 6, and H. B. No. 4—An act appropriating money from the Territorial treasury for cleaning and repairing the public arms

On motion of Mr. Miller,

The Clerk was instructed to forthwith report to the Council the bill and joint resolutions signed by the Speaker.

Mr. Wilson, of the committee on Public Grounds and Buildings, made the following report:

The committee on Public Grounds and Buildings, to whom was referred H. B. No. 5—Relative to appointing commissioners to select a site and superintend the construction of the Penitentiary, report the bill back with amendments, and recommend its passage; also,

H. B. No. 6—An act to amend an act entitled, "an act appointing commissioners to select a site and superintend the construction of the Penitentiary of the Territory of Washington,"

Having been under consideration, report its indefinite postponement.

H. C. WILSON,
Chairman.

Mr. Glasgow offered the following resolution:

Resolved, That all bills, memorials, and joint resolutions, originating in this House, be printed after their second reading, and before their commitment, unless otherwise ordered by the House.

Mr. Shaw introduced

H. B. No. 19—An act to confer civil jurisdiction upon probate courts, and regulate the practice therein.

Mr. Balch moved to lay Mr. Glasgow's resolution on the table until the tenth day of January, 1858.

The question being upon its adoption, it was decided in the negative.

On motion of Mr. Kelly,

The vote was reconsidered.

Mr. Kelly moved to lay the resolution on the table.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Crockett, Irby, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Moore, Phillips, Smith, Stillman and Wilson—16.

Those voting in the negative were—

Messrs. Bullard, Curtis, Fletcher, Glasgow, Guthrie, Jackson, Miller, Morrow, Peabody, Shaw, Taylor and Mr. Speaker—12.

Resolution laid on the table.

Mr. Guthrie, by leave, introduced,

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory.

On motion of Mr. Meeker,

A call of the House was made.

Absent—Messrs. Baker, Glasgow, Miller and Wilson.

On motion of Mr. Balch,

The Sergeant-at-arms was despatched for absent members.

The absent members being present,

On motion of Mr. Balch,

The further call of the House was dispensed with.

H. M. No. 3 was read first time.

Mr. Baker moved to suspend the rules and read the memorial a second time now by title.

Mr. Balch moved to amend the motion so as to read a second time now *inextenso*.

Which amendment was lost.

The question being upon the original motion, was lost.

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,

Was ordered to a second reading.

H. B. No. 19—An act to confer civil jurisdiction upon probate courts, and regulate the practice therein.

Read first time and ordered to a second reading.

Mr. Miller in the chair.

H. B. No. 18—An act authorizing United States coast surveying parties to enter upon lands in Washington Territory, to ereet signals, &c, and to prevent injury to said signals.

Read second time; and,

On motion of Mr. Balch,

Referred to committee on Cemmerce.

The report of the committee on Engrossed Bills coming up,

Mr. Van Cleave moved to assign now as the time for the third reading of

H. B. No. 17—An act to dissolve the bonds of matrimony existing between Fayette McMullin and Polly A. McMullin.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Balch, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Miller, Morrow, Peabody, Shaw, Smith, Taylor, Wilson and Mr Speaker—22.

Those voting in the negative were—

Messrs. Baker, Bradshaw, Meeker, Moore, Phillips, Stillman.—6.

So the bill was ordered to a second reading.

The question being on the final passage of the bill the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Balch, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Miller, Morrow, Peabody, Shaw, Smith, Taylor, Wilson and Mr. Speaker—22.

Those voting in the negative were—

Messrs. Baker, Bradshaw, Meeker, Moore, Phillips and Stillman —6.

The Speaker resumed the chair.

The bill was passed, and its title agreed to.

On motion of Mr. Balch,

The Clerk was instructed to report forthwith to the Council the passage of H. B. No. 17, by the House.

The report of the committee on Public Grounds and Buildings was taken up.

On motion of Mr. Balch,

H. B. No. 5—An act to amend an act entitled, an "act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the Penitentiary of Washington Territory,'"

Was laid an the table and ordered to be printed; and,

On motion of Mr. Balch,

H. B. No. 6—An act to amend an act entitled, "an act appointing commissioners to select a site and superintend the construction of the Penitentiary of the Territory of Washington,"

Was indefinitely postponed.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed by the Council to report to the House that the President of the Council has signed the following bills and resolutions to wit:

C. J. R. No. 1—Relative to Oregon including a portion of the Territory of Washington within its proposed boundaries as a State.

H. J. R. No. 1—Relative to the adjournment of the Legislature over the holidays.

H. J. R. No. 2—Relative to Joint Rules.

H. J. R. No. 3—Relative to a geological survey by Dr. John Evans;

H. J. R. No. 6—Relative to calling upon the Governor for copies of his communications to the departments at Washington, relative to the affairs of this Territory.

H. B. No. 4—Relative to appropriating money from the Territorial treasury for cleaning and repairing public arms.

The report of the committee on Roads and Highways, relative to the road law, coming up, was,

On motion of Mr. Balch,

Re-committed with instruction that the committee report by bill.

The petition of B. F. Kendall and B. P. Anderson, coming up, was,

On motion of Mr. Baker,

Referred to committee on Claims, with instructions that they report by bill.

Council Business:

C. B. No. 2—An act to view and locate a Territorial road from or near the house of J. C. Cochran, to the military road near Joseph Borst's.

Read first time, and ordered to second reading.

On motion of Mr. Anderson,

The rules were suspended and read a 2d time now; and,

On motion of Mr. Smith,

Was referred to committee on Roads and Highways, with instructions to report to-morrow.

Communication from the Register of the Land Office coming up, was,

On motion of Mr. Meeker,

Referred to committee on Education.

On motion of Mr. Hinckley,

H. B. No. 8—An act to alter the boundary of Whatcom county,
Was taken from the table.

Mr. Crockett offered an amendment to the bill; and,

On motion of Mr. Smith,

The bill was re-committed, and Mr. Crockett's amendment referred to committee on Counties.

On motion of Mr. Guthrie,

H. B. No. 1—An act for the erection of the public buildings at the seat of government of Washington Territory,
Was taken from the table; and,

On motion of Mr. Guthrie,

Was laid on the table, and made the order of the day for to-morrow.

On motion of Mr. Kelly,

The House adjourned.

WEDNESDAY, Dec. 23, 1857.

House met pursuant to adjournment.

Absent—Mr. Smith.

Journal of Tuesday read and approved.

Mr. Phillips, from committee on Enrolled Bills, reported as correctly enrolled the following:

H. B. No. 2—An act repealing an act entitled, "an act establishing the rate of ferriage across the Columbia river, in Clarke county,"

Mr. Crockett, of the committee on Roads and Highways, made the following report:

The committee on Roads and Highways, have instructed me to submit the following report on

C. B. No. 2—An act to view and locate a Territorial road from or near the house of J. C. Cochran, to the military road near Joseph Borst's,

In section 1, third line, insert "J. W. Goodell," instead of "Henry W. Stearns."

In section 2, second, third and fourth lines, after the word county, strike out "on the first Monday in February, 1858, or as soon thereafter as circumstances will permit," and insert "as soon after the passage of this act as convenient."

We recommend the passage of the bill with the above amendments.

S. B. CROCKETT,
Chairman.

Mr. Morrow, of committee on Corporations, submitted the following report:

The committee on Corporations, to whom was referred H. B. No. 14—An act to amend an act entitled, "an act to incorporate the city of Vancouver," have had the same under consideration, and have directed me to report thereon with amendments, and recommend its passage:

That section eight be amended, by adding "provided, however, that the city authorities shall not grant license for the sale of spirituous or malt liquors, for a less sum than one hundred and fifty dollars."

Sec. 19. And be it further enacted, That all that part of section eight that relates to granting license for the sale of spirituous or malt liquor shall be submitted to the legal voters of Clarke county, at the next annual election, and if a majority of all the votes cast shall be in favor of that part of said section, then it shall be a law, otherwise to be void and of no effect.

Sec. 20. It shall be the duty of the county auditor to give notice at the time of giving notice of the next general election, that the subject referred to in section 20, is to be submitted to the legal voters of Clarke county, and those that vote for city license, vote for it to become a law, and those that vote for county license, vote against its becoming a law.

W. M. MORROW,
Chairman.

Mr. Guthrie, from committee on Agriculture, made the following report:

The Committee on Agriculture, to whom was referred House Bill No 11, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Also, your Committee have had House Bill No. 12 under consideration and report the same back with a substitute for Sec. 2, and recommend its passage.

STEPHEN GUTHRIE,
Chairman.

Sec. 2. Any person who shall close or obstruct, or cause to be closed or obstructed any ditch made under the provision of this act, shall be liable to an action in law, which action may be brought before any Justice of the Peace of the proper county, and if found guilty, may be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and shall be liable for all damages done by reason of such obstruction: *Provided, however*, that any person may commence an action in the District Court. All actions commenced under the provisions of this act shall be subject to appeal as provided for by law in other cases.

Mr. Wilson, of the committee on Public Grounds and Buildings, submitted his minority report relative to H. B. No. 1, according to previous notice, which is as follows:

A majority of the committee on Public Grounds and Buildings, having reported House Bill No. 1, with amendments, back to the House, and recommended its passage, the Minority beg leave to submit the following

MINORITY REPORT:

By an act of the Legislative Assembly of this Territory, passed January 9th, 1855, the Seat of Government of this Territory was located on a certain lot or parcel of land containing ten acres, situate in Thurston county, on the land claim known as Edmund Sylvester's, which lot or parcel of land has been surveyed and bounded. Section six of House Bill No. 1 of this session, provides that in case a title satisfactory to said commissioners shall only be made to eight acres, then it shall be competent for said commissioners to receive, on behalf of said Territory, the said eight acres free of expense, bounded and described as in said section.

The undersigned also finds recorded in the county auditor's office of

Thurston county, a deed conveying one acre of land to C. C. Terry, and also, a deed conveying one acre of land to W. A. Slaughter, both of which acres of land are situated within the bounds of the ten acres conveyed to the Territory of Washington, and conveyed to said Terry and Slaughter by the same parties who conveyed the ten acres to the Territory of Washington.

An act of the Legislature of Washington Territory, passed April 23d. 1854, entitled, "An act relating to deeds;" provides "that all deeds shall be lodged for record in the office of the recorder of deeds of the county where the land is situated, within six months from the time when they are executed and delivered, and unless so lodged for record within six months they shall not be valid as against bona fide purchasers without notice; and when so lodged, it shall be notice to all the world." The conveyance to the Territory was made in January, 1855, and, on examination of the record of Thurston county, no such deed is found recorded.

It is impossible to say how large a part of the original ten acres has been conveyed to innocent purchasers without notice. Two acres have already been conveyed and recorded, as is virtually admitted in the majority report. From the most thorough examination of the subject that could be made in the brief space of time allowed to make this report, the undersigned is necessarily led to the conclusion that the title to the land on which the present capitol is located, is insufficient, and will not warrant a further expenditure of money appropriated by Congress for the construction of the Capitol.

There are other questions pertaining to the titles to the lands conveyed to the Territory. Among which is a prior claim to Edmund Sylvester's vesting in the heirs of a Mr. Smith, who died while in the possession of this tract now claimed by the said Sylvester.

Aside from the titles of the lands under consideration, in the opinion of the undersigned, more land ought to be procured for the site of the capitol—a site that will command a view of the surrounding mountains, and water scenery, unobstructed by the erection of other buildings contiguous to it.

Propositions, both verbal and written, have been presented to your committee on Public Grounds and Buildings, to donate land on either side of Budd's Inlet, contiguous to the present site of the capitol by citizens of Olympia, who have indisputable titles to the land which they propose to donate.

We would also recommend that section 6 of House Bill No. 1, be stricken out, and that a select committee be appointed to examine the titles to the present location, and receive proposals for locating on some

elligible site contiguous to the present location, and report to this House as soon as practicable, with a view to accomplish the end aimed at in H. B. No. 1, namely: an early expenditure of the money appropriated by Congress for the construction of the capitol.

HENRY C. WILLSON,
Member of Com. on Public Grounds and Buildings.

December 22d, 1857.

Message from the Council by their Clerk:

"Mr. Speaker:—I am instructed by the Council to report to the House that the Council have passed

H. J. R. No. 7—Relative to the adjournment of the Legislature over the holidays.

Also, that they have passed with amendments,

H. M. No. 1—Praying, where settlers were driven from their claims by the Indian war, their titles to the same may be confirmed,

And ask the concurrence of the House.

Mr. Bullard, of the committee on Claims, submitted the folllowing report:

The committee on Claims, to whom was referred

H. B. No. 10—An act appropriating money from the Territorial treasury to pay for certain printing,

Have instructed me to report said bill back to the House, with the items on which the claim is founded, as follows:

Territory of Washington,

to Furste & Wiley, Dr.

1855.		
March 18—To advertising "Notice of Brig. Gen. Gibbs, (organization of Militia) till 13th August, 5 mos., 3 squares,	$32	00
August 10—To printing 100 copies muster rolls, composition 7,000 ms. (rule work,) $3 per 1,000 ems,	21	00
Presswork on same, 1 token,	2	50
Paper for same, 4 quires,	1	50
Reprint of same, 100 copies, with alterations,	25	00
Same number, still different,	25	00
Total,	$107	00

And would recommend the passage of said bill.

The committee have also had under consideration

H. B. No. 13—An act relative to the distribution of the public arms,

And report the same back and recommend its passage.

J. BULLARD,
Chairman.

Mr. Peabody, of committee on Memorials, presented a memorial, praying an appropriation by Congress to buoy out the north channel of the Columbia river.

The following communication was received from the Governor:

EXECUTIVE OFFICE, W. T.,
December 23d, 1857.

HON. SPEAKER, HOUSE OF REPRESENTATIVES,
of the Legislative Assembly, of Washington Territory:

SIR:—In sompliance with a joint resolution of the two Houses, I herewith transmit the correspondence called for,

Very respectfully,
Your obedient servant,
F. McMULLIN,
Governor Ter. Washington.

EXECUTIVE DEPARTMENT,
OLYMPIA, WASHINGTON TERRITORY,
October 20th, 1857.

TO HIS EXCELLENCY, JAMES BUCHANAN,
President of the United States:

SIR:—I have the honor to inform you of my arrival at this place on the 9th, and of my entering upon the duties of executive of this Territory, on the 10th ultimo.

Immediately after my arrival, I availed myself of an opportunity to visit those portions of our territory bordering upon Puget Sound and Admiralty Inlet, as far north as the 49th parallel of North latitude, more

particularly to acquaint myself with the relations existing between our people and the Indians, both native and foreign, and to inform myself with regard to the character of defense necessary to protect the settlers from the depredations of these children of the forest.

I visited all the important points within our Territory, bordering upon Puget Sound and the Straits of Fuca, and also Victoria, on Vancouver's Island, for the purpose of conferring with His Excellency GOVERNOR DOUGLAS, to the end that some mutual action might be taken, and some system of policy adopted to prevent any further incursions of the northern hordes of savages inhabiting the Russian possessions and British America. He informed me that he had neither the power nor means to punish those Indians for past offences committed within the territory of the United States, nor prevent similar incursions in the future; but that he would communicate the facts to the "Home Government," and no doubt that such representation, sustained by a request on the part of the government of the United States, would meet with early attention, and that one war steamer would be despatched to co-operate with a similar force on the part of the United States, in keeping those Indians within the limits of their own territory, and preserving peace among the tribes located upon the navigable waters of the two countries on this coast.

It is a source of sincere regret, that I am compelled to inform your Excellency, that this territory of Washington, containing a small and widely scattered population of about six or seven thousand souls, and lying upon our nothern frontiers, exposed to the incursions of the numerous and warlike tribes of the north, is in an almost wholly defenseless condition. It is true that a few regular troops are stationed at isolated localities, remote from each other, and generally in numbers not much more than sufficient for their own protection. Aside from the smallness of the force, these troops can render but little service in the protection of the people here, or in repelling invasion from without, owing to the character of the Indians to be dealt with and the peculiar character of the country.

The Northern Indians—a term which here includes all the aborigines residing north of the 49th parallel of latitude on this coast, and who are in the habit of visiting the interior waters of this territory—are an intelligent, bold and athletic race, perhaps more so than any other tribes upon the North American continent, and delight in war, rapine and murder.

Residing upon the various arms of the sea which project into the land, and upon those extensive channels which seperate Vancouver and other Islands from the main lands, they are bred to the sea, and are all very skillful navigators. They display much skill in naval architecture,

and their war canoes, carrying from thirty to one hundred men each, and propelled through the water, against wind and tide, at from five to eight knots an hour, present an imposing appearance, and are really very formidable to the present widely scattered population of the territory.

These Indians are found almost constantly prowling around the Sound, moving from point to point in their canoes, with great secrecy and celerity—killing the settlers here and there, as they find opportunity, and plundering houses, killing and carrying off stock, and keeping the country in a state of continual alarm. The sense of insecurity felt by our citizens, particularly in the northern portions of the territory, has been greatly increased by the recent murder of Col. Isaac N. Eby, late Collector of Customs for the Puget Sound District. A party of these northern savages attacked the Col.'s house, on Whidby's Island, about midnight, killed him, cut off his head and bore it off in triumph. While they were engaged in plundering the house, the Col.'s family, together with G. W. Corlis, Esq., U. S. Marshal for the territory, and lady, who were guests of the family during the session of the United States District court, barely escaped through a back window, and passed the night in the woods.

Much alarm exists on the Island and through the surrounding country. Many of the people are collected in block houses for safety, while others have left, or are preparing to leave the territory altogether, and I fear that unless energetic measures are speedily adopted to keep these murderers and marauders beyond the limits of our territory, the northern portion of it, so rich in its arable lands, its timber, its coal fields and fisheries, will be abandoned altogether by our citizens.

The Indian tribes within our own territory, living west of the Cascade mountains, numbering some twelve thousand, are showing many signs of discontent, being unquestionably stimulated and encouraged to acts of outrage and violence by the tribes east of the mountains. They are located chiefly along the shores of the Sound and the Straits of Fuca, from which they obtain immense quantities of shell fish, and other marine articles of food, and by a general and simultaneous rising, could annihilate our settlements, with perhaps the exception of the more considerable villages, in a single night.

They complain that the government of the United States has been giving away, and is still selling their lands to settlers, without making them any sort of compensation; that they have, in good faith, made treaties with the Agent of the United States, whereby they were to receive a compensation for their lands, and that these treaties have not been carried out in good faith by our government.

They also say that the "Nesquallies"—at the head of the Sound—

are being paid for their lands, and the treaty stipulations being carried out in that particular case, while they are put off with promises by the Indian Agents, with the sole purpose of keeping them quiet until the white population becomes strong enough to drive them off entirely. They further say that their lands are being gradually taken up by the settlers, military and other roads cut through their country without their consent; their hunting grounds destroyed, and their ancient burial places desecrated.

They do not understand by what right these things are done, and upon what principles of justice the government refuses to ratify the treaties and pay them for the land, while it yet passes laws giving away and and selling their homes, their hunting grounds and their graves. Reasoning thus, they regard the settlers as trespassers upon their domain, and consequently view them with extreme jealously. This condition of things is daily growing worse, and the time may not be far distant when we may have a general Indian war, involving the tribes both east and west of the Cascades, with many of the powerful northern tribes as their allies.

I have before stated that the northern Indians are very skillful in nautical affairs. This is true, to a somewhat less extent, in relation to our own Indians who reside west of the Cascades, and on the borders of tide-water. Among these the whites have formed their principal settlements, and the waters of the Sound form the chief thoroughfares for both races. It will be readily perceived how formidable these Indians may become, who triple or quadruple the white population, should they unite with the more powerful northern tribes. Nearly all their journeys and expeditions are made in canoes; and the channels, straits and inlets which surround the numerous islands and ramify the whole country, afford them fine opportunities for their nautical operations, as well as excellent places of concealment.

The character of the country here is unique and peculiar. The prairies are generally small, and the country mostly covered with a dense growth of gigantic trees. Another forest, the growth of a former age, equally dense, and much more troublesome to the traveller, is found in most places lying upon the ground. These gigantic and partially decayed, prostrate trees, are covered with brush, vines and undergrowth of all kinds, which render it exceedingly difficult to traverse the country, while, at the same time, they form admirable lairs for wild beasts and lurking places for the wiliy savages. It will be seen from this, that regular troops can rarely operate to advantage, except as they are transported from place to place by water, there being but few roads passable for footmen, and a still less number for wagons and horses.

On the other hand, Puget Sound and Admiralty Inlet are the great

thoroughfares of the central and northern portions of the territory, so regarded and used by both whites and Indians. This great body of inland tide-water is, perhaps the most remarkable of any in the world. It does not lie in a compact form, but is distributed into channels, inlets, bays and harbors, and interspersed with islands, so much so, that although only about one hundred and fifty miles in length, it has some sixteen hundred miles of shore line, and is directly accessible to a country, on its borders, of not less than ten thousand square miles in extent. These waters are all deep enough for the largest ships, and generally so, to within a few yards of the shore, thus rendering navigation both safe and easy.

The northern Indian never comes to our borders except in his canoe. He travels in it through the Sound, and returns the same way. Our own Indians reside chiefly upon the shores of the Sound; make nearly all their journeys by water, and subsist chiefly upon the various kinds of fish with which these waters abound, and the fruits of the chase in the neighboring forests. A war steamer of moderate size and considerable speed, cruising in the vicinity of the 49th parallel, would be able to keep the northern marauders entirely beyond the limits of our territory; while a second vessel, of the same kind, cruising between that station and the head of the Sound, would keep our own Indians quiet, and render material aid to the Indian Department here.

After a careful investigation of the subject, by personal observation and otherwise, I am thoroughly convinced that the only practicable and efficacious method of protecting our citizens from the inroads of the northern Indians, and preventing a general war on the part of our own tribes, is to station vessels of war upon our waters, as above indicated. And I do most urgently request your excellency, in the name of the citizens of this territory, who have been encouraged to come here by the government, and who have risked their lives and property in this remote and isolated region of the confederacy, to consider these necessities of our people, and afford them such protection as is possible, consistently with the welfare of the nation at large.

Without a naval force, propelled by steam, upon the waters of Puget Sound, there is, in my judgment, no safety to the inhabitants.

It is impossible for land forces to operate to any advantage, for the reasons before indicated; and it would require a force sufficient to garrison every settler's house on the lower parts of the Sound, in order to render any efficient protection. So well satisfied am I of the truthfulness of these statements, and the correctness of the positions here taken, that I would rather have one small but active war-steamer, manned by a hundred men, upon these waters, than a thousand regular troops garrisoned along the shores.

It is also a matter of urgent necessity, that treaties should be ratified with those Indian tribes where the settlement of the whites have been made within the limits of their territory. This course of policy, judiciously carried out, would remove the chief cause of complaint amongst our resident Indians, while, at the same time, it would be no more than an act of strict justice to them. The subject rises in importance, just in proportion to the encroachments of the whites upon thier territory, and the consequent danger of a general Indian war.

I would also respectfully suggest, as an additional means of bringing the Indians upon the Pacific coast into social relations with our government and people, that the plan as intimated to me by my friend, the Hon. JACOB THOMPSON, Secretary of the Interior, be carried out, to-wit: That one or more of the chiefs or headmen of each of the tribes in this territory be invited by the President to visit the national capitol, for the purpose of seeing and having a talk with the authorities, and that they be returned to their respective homes by the overland route, thereby exhibiting to them their utter inability to make war upon our government, and thus more effectually to awe them into peace and quietness.

In conclusion I beg leave to call your excellency's attention to the report of the citizens' meeting at Port Townsend, presided over by the Hon. F. A. CHENOWETH, U. S. District Judge, and attended by the U. S. District Attorney, and other numerous citizens; also, to the petition of the citizens of Whidby's Island, herewith enclosed.

I would also call your attention to the communication of Governor JAS. DOUGLASS, of Vancouver's Island, a copy of which is transmitted herewith.

I have the honor to be,

Your Excellency's ob't serv't.

(Signed) FAYETTE McMULLIN,

Gov. Washington Territory.

EXECUTIVE OFFICE,
OLYMPIA, WASHINGTON TERRITORY,
November 19th, 1857.

HON. ISAAC TOUCY,

Secretary of the Navy:

SIR:—If you have not seen my official letter to the President, under date of October 20th, I beg leave to call your attention to it, and most respectfully urge the Department to place upon the waters of Puget Sound, two small and fleet war steamers, for the protection of our people against the incursions of the northern Indians.

I would suggest that one be assigned to duty, exclusively, in the northern portion of the Sound, and the other to be attached to the Qr. Master's Department, and subject to the orders of the military commandant of this District; with instructions to keep constantly cruising between the head of the Sound and Whidby's Island.

I do most especially urge that we be furnished with first class vessels as to speed; that they may successfully compete with the large and fleet war-canoes of the Northern Indians, which the "Massachusetts," the vessel formerly upon this station, was unable to do.

The various military posts upon the Sound can do but little more than defend themselves against these savages. They have no means by which to give pursuit to the Indians on the water, being powerless, therefore, to render any assistance to settlements even ten miles distant from their garrisons.

If we expect to retain in the Territory our present small population —not quite seven thousand souls, with 20,000 of our own Indians, to say nothing of the thousands of warlike savages to the north, surrounding them—then some means must be taken, and that speedily, to protect them from being murdered and their property destroyed.

I trust something will be done and at once, in relation to the defense I have indicated.

I am sir, respectfully,
Your most ob't serv't,
(Signed) FAYETTE McMULLIN,
Gov. Washington Territory.

EXECUTIVE OFFICE,
OLYMPIA, WASHINGTON TERRITORY,
November 19th, 1857.

HON. JOHN B. FLOYD,
Secretary of War:

MY ESTEEMED FRIEND:—

You have not forgotten the conversation which took place at our last interview, relative to the necessary defense of this Territory.

I then gave it as my opinion, based upon reliable information which I had received, that it was absolutely necessary that one or two war steamers be placed upon the waters of Puget Sound, for the proper protection of the people against the hordes of savages occupying the British and Russian possessions to the north of us.

I am now perfectly satisfied, from personal observation, and from information received from the most reliable sources, that I was correct in the opinion I then expressed.

Now allow me, respectfully, but urgently, to request that you see and confer with the President and Secretary of the Navy, and take into consideration the matters set forth in my official communication to the President, of the 20th ultimo, wherein I gave my views and suggestions, and presented the measures of precaution and preperation which the present condition of affairs demand, to-wit: The placing of two small but fleet war steamers upon these waters, as of the greatest importance to the retention of our small population; and I would respectfully suggest, that while one be subject to the Navy Department, with instructions to cruise almost entirely in the northern portion of the Sound, the other be attached to the Qr. Master's service here, and subject to the orders of the military commandant of the Puget Sound District, with general instructions, however, from the Secretary of the Navy, to keep constantly cruising between the head of the Sound and Whidby's Island.

I make the suggestion that the one attached to the Quarter Master's Department be subject to the orders of the commandant of this District, rather than the commanding General of the Pacific Division, for the reason that the head quarters of the latter officer is too remote to give orders where necessity requires prompt action for the preservation of the lives and property of our citizens.

If any apology is necessary for having seemed to trespass upon the

Department, it is to be found in the alarmed state of the public mind here and the deep solicitude I feel for the protection of our people.

I do not desire any accession of the military force here, but would give it as my opinion that two or three companies of mounted troops might, with advantage, take the place of the same number of infrantry forces, which latter are mainly servicable here in garrisoning posts, but powerless for good in pursuit of bands of mounted Indians.

In conclusion, I do most respectfully and urgently request the consideration and adoption of my suggestions, as far as may be compatible with the views and interests of the government.

I am sir, respectfully,
Your most ob't serv't,

(Signed) F. McMULLIN,
Gov. Washington Territory.

EXECUTIVE OFFICE,
OLYMPIA, WASHINGTON TERRITORY,
November 24th, 1857.

To THE HON. SPEAKER,
United States House Representatives:

SIR:—I would respectfully call your attention, and through you, the attention of the House to the fact, that the present per diem allowance of $3 to members of the Legislative Assembly of this Territory, is insufficient to pay the actual expenses incurred by those from remote counties, some of whom have to travel 200 miles to reach the Capitol.

Traveling is very expensive, as well as their subsistence here, during the session.

I would therefore, respectfully recommend to Congress a reasonable increase of the pay of the members of our Legislature.

I am sir, respectfully.
Your ob't serv't,

(Signed) F. McMULLIN,
Governor Washington Territory.

Mr. Balch moved the Governor's correspondence be laid on the table and 300 copies be printed.

On motion of Mr. Morow,

Amended by ordering 1,000 copies to be printed.
Motion as amended, adopted.

Mr. Bradshaw introduced
H. M. No. 4—Praying that two armed steamers be stationed on the north west coast.
Read a first time and ordered to a second reading.

Mr. Peabody introduced
H. M. No. 5—Praying for a further appropriation to complete the military road from Fort Steilacoom to Fort Bellingham.
Read first time and ordered to a second reading.

H. B. No. 19—An act to confer civil jurisdiction upon probate courts, and regulate the practice therein.
Read a second time; and

On motion of Mr. Morrow,

Referred to committee on Judiciary.

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,
Read a second time; and,

On motion of Mr. Phillips,

Referred to committee on Memorials.

The Speaker gave notice that he would now sign
H. B. No. 2—Relative to establishing the rates of ferriage across the Columbia river in Clarke county.

C. B. No. 2—An act to view and locate a Territorial road from or near the house of J. C. Cochran, to the military road near Joseph Borst's,
Which had been reported back from the committee on Roads and Highways, was taken up, and the amendments recommended by the committee were adopted.

On motion of Mr. Anderson,

Now assigned as the time for the third reading of the bill.
The bill was then read a third time, passed, and its title agreed to.

On motion of Mr. Anderson,

The Clerk was instructed to report forthwith to the Council the passage of C. B. No. 2, by the House.

Report of committee on Corporations on H. B. No. 14, was taken up.

Mr. Kelly moved that the report be laid on the table, and the bill be printed.

On motion of Mr. Irby,

Mr. Kelly's motion was so amended as to include pending amendments to the bill.
Motion, as amended, adopted.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed by the Council to report to the House that the Council have passed

H. B. No. 17—An act to dissolve the bonds of matrimony existing between Fayette McMullin and Polly A. McMullin.

Also, the Council have passed with amendments,

C. M. No. 1—Relative to the creation of the office of Superintendent of Indian affairs of Washington Territory,
And ask the concurrence of the House.

Mr. Balch in the chair—

H. B. No. 11—An act relative to estrays,
Which had been reported back from committee on Agriculture, was taken up; and,

On motion of Mr. Meeker,

Was laid on the table and ordered to be printed.

H. B. No. 12—An act to regulate the draining of marsh and swamp lands,
Which had been reported back from the same committee, was taken up; and,

On motion of Mr. Meeker,

Laid on the table and ordered printed, together with pending amendments.

H. B. No. 10—An act appropriating money from the Territorial treasury to pay for certain printing,

Which had been reported from committee on Claims, was taken up; and,

On motion of Mr. Guthrie,

Laid on the table and ordered to be printed.

H. B. No. 13—An act relative to the distribution of the public arms,

Which had been reported from same committe, was taken up; and,

On motion of Mr. Glasgow,

Laid on the table and ordered to be printed.

On motion of Mr. Kelly,

The report of committee on Corporations was laid on the table and ordered printed.

H. M. No. 6—Praying for an appropriation by Congress to buoy out the north channel of the Columbia river,

Read a first time and ordered to a second reading.

The minority report of Mr. Wilson of the committee on Public Grounds and Buildings, coming up, was,

On motion of Mr. Van Cleave,

Laid on the table and ordered to be printed.

Business from the Council.

H. M. No. 1—Praying, where settlers were driven from their claims by the Indian war, their titles to the same may be confirmed,

Which had been amended by the Council, was taken up;

Mr. Hinckley moved to concur in Council amendments.

Mr. Meeker moved to amend by adding "and also, heirs of those who have died in this Territory."

The question being upon the adoption of the Council amendments, the amendments were adopted.

On motion of Mr. Meeker,

The Clerk was instructed to forthwith report to the Council the adoption of their amendments with an additional amendment by the House.

Mr. Speaker resumed the chair.

C. M. No. 1—Relative to the creation of the office of superintendent of Indian affairs for Washington Territory,

Read first time and ordered to a second reading.

On motion of Mr. Irby,

H. B. No. 5—An act to amend an act entitled, an "act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the Penitentiary of Washington Territory,'"

Was taken from the table.

Mr. Kelly moved to amend by striking out the name of George Barlow, and inserting the name of David Parker, of Clarke county, as one of the commissioners.

Pending which motion,

Mr. Balch moved the bill be laid on the table, and be made the order of the day for to-morrow. Lost.

Mr. Balch moved to amend by striking out the names of all the commissioners.

Which motion was lost.

Mr. Irby moved the previous question.

Which motion prevailed.

The main question was then ordered to be put.

The question being on Mr. Kelly's amendment, the yeas and nays were ordered, and were as follows:

Those voting in the affirmative were—

Messrs. Bradshaw, Hinckley and Kelly—3.

Those voting in the negative were—

Messrs. Anderson, Baker, Balch, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Meeker, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—24.

On motion of Mr. Kelley,

The vote by which the previous question was called, was re-considered.

Mr. Smith moved that when the House adjourn, it adjourn until 3 o'clock, P. M.

Which motion was lost.

Mr. Fletcher moved the previous question.

Which motion prevailed.

The question then being, "shall the main question be put?"

It was decided in the negative.

Mr. Balch moved that the bill be amended by striking out Vancouver, wherever it occurs, and inserting Olympia.

Pending which motion,

Mr. Smith moved the bill be laid on the table, and made the order of the day for to-morrow.

Which motion was lost.

Mr. Meeker moved the bill be laid on the table, and made the special order of the day for to-morrow at half past 10 o'clock, A. M.

Which motion was lost.

Mr. Phillips moved that when this House adjourn it adjourn until 3 P. M.

Which motion was lost.

Mr. Kelly moved to lay Mr. Balch's amendment on the table.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Peabody, Phillips, Shaw, Taylor and Mr Speaker—18.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Crockett, Hinckley, Kellogg, Meeker, Moore, Smith, Stillman Wilson—10.

The amendment was laid on the table.

Mr. Fletcher moved that the pending amendments to the bill recommended by the committee on Public Grounds and Buildings, be adopted.

Mr. Meeker moved to lay Mr. Fletcher's motion on the table.

Which motion was lost.

Mr. Meeker moved that the bill be laid on the table, and made the special order of the day for to-morrow at 40 minutes past 10 o'clock.

Which motion was lost.

Mr. Moore moved that the bill be recommitted to the committee on Public Grounds and Buildings, with instructions to report a bill to locate the penitentiary at Olympia.

The question being on adoption of this motion the yeas and nays were demanded and were as follows:

Those voting in the affirmative were—

Messrs. Balch, Bradshaw, Crockett, Hinckley, Kellogg, Meeker, Moore and Smith—8.

Those voting in the negative were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Phillips, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—19.

Mr. Balch moved to lay the bill on the table for one half hour.

Which motion was lost.

Mr. Moore moved that the House resolve itself into committee of the whole, to take into consideration H. B. No. 5.

Which motion was lost.

Mr. Kelly moved to amend the bill by striking out the name of Geo. Barlow, and inserting the name of Ira Patterson, as one of the commissioners.

Mr. Balch moved to amend the amendment by inserting the name of Ira Patterson instead of Gay Haydon, as one of the Commissioners.

Which motion was lost.

The question being upon Mr. Kelly's amendment, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative, were—

Messrs. Balch, Bradshaw, Hinckley, Kellogg, Kelly, Meeker, Moore and Wilson—8.

Those voting in the negative, were—

Messrs. Anderson, Baker, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Phillips, Shaw, Smith, Stillman, Taylor and Mr. Speaker.

On motion of Mr. Fletcher,

The previous question was called, which was ordered.

The question being upon the adoption of the amendments reported by the committee on Public Grounds and Buildings, the yeas and nays were demanded and were as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Baker, Bullard, Crocket, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Phillips, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—21.

Those voting in the negative, were—

Messrs. Balch, Bradshaw, Kellogg, Kelly, Meeker and Moore—6.

Amendments adopted.

On motion of Mr. Irby,

The bill was ordered to be engrossed and read a third time, by yeas and nays as follows:

Those voting in the affirmative, were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Phillips, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—18.

Those voting in the negative, were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Hinckley, Kellogg, Kelly, Meeker, Moore and Smith—10.

So the bill was ordered to be engrossed and read a third time.

On motion of Mr. Guthrie,

The House proceeded to fill the blanks in H. B. No. 1, by appointing commissioners to superintend the erection of the capitol.

Mr. Miller nominated for commissions, James Byles, Benj. Harnard, and R. M. Walker.

On motion of Mr. Guthrie,

The House proceeded to nominate each commissioner separately.

On motion of Mr. Guthrie,

James Byles was appointed one of the commissioners.

Mr. Meeker moved that Mr. John Carson be appointed one of the commissioners.

Which motion was lost.

On motion of Mr. Miller,

Benj. Harnard was made one of the commissioners.

Mr. Moore moved Mr. Morrison be appointed one of the commissioners.

Which motion was lost.

On motion of Mr. Miller,

R. M. Walker was appointed one of the commissioners.

Mr. Guthrie moved that H. B. No. 1, be engrossed and ordered to a third reading.

Mr. Anderson moved to amend by adding section 11.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Crockett, Curtis, Fletcher, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Miller, Moore, Morrow, Peabody, Phillips, Shaw, Smith, Stillman, Taylor and Wilson—25.

Those voting in the negative were—

Messrs. Bullard, Glasgow and Mr Speaker—3.

So the amendment was adopted.

On motion of Mr. Anderson,

The bill was further amended by inserting the word "of" before "said" in the second line of section 2.

Mr. Meeker moved to lay the bill on the table, and make it the special order of the day to-morrow at 10 o'clock.

Which motion was lost.

On motion of Mr. Anderson,

The bill was amended by striking out the word "and," and inserting the word "to" in the first line of section 6.

The question being upon ordering the bill to be engrossed and read a third time, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Baker, Bullard, Crocket, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kelly, Miller, Morrow, Peabody, Phillips, Shaw, Smith, Stillman, Taylor and Mr. Speaker—22.

Those voting in the negative, were—

Messrs. Balch, Bradshaw, Kellogg, Meeker, Moore and Wilson—6.

H. B. No. 1 was then ordered to be engrossed and read a third time.

Mr. Balch gave notice that after the holidays he would introduce a bill locating the penitentiary at Olympia.

On motion of Mr. Smith,

The House adjourned.

THURSDAY, DECEMBER 24, 1857.

House met pursuant to adjournment.

Absent—Messrs. Fletcher and Taylor.

Journal of Wednesday read and approved.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed by the Council to report to the House that the Council have concurred in the amendment by the House to C. B. No. 2—An act to view and locate a Territorial road from or near the house of J. C. Cochran to the military road near Joseph Borst's.

Mr. Phillips, from committee on Enrolled Bills, reported as correctly enrolled,

H. B. No. 17—An act to dissolve the bonds of matrimony existing between Fayette McMullin and Polly A. McMullin.

H. J. R. No. 7—Relative to the adjournment of the Legislature over the holidays.

Whereupon, the Speaker gave notice that he would now sign said bill and resolution.

Mr. Bullard, of the committee on Claims, made the following report:

The committee on Claims, to whom was referred the petition of Messrs. Kendall and Anderson, praying for an appropriation to be made them for services as counsel for the Territory, have had the same under consideration and instructed me to report by bill.

J. BULLARD,
Chairman.

Mr. Balch, of the committee on Engrossed Bills, reported as correctly engrossed,

H. B. No. 1—An act to provide for the erection of the public buildings at the seat of government of Washington Territory.

H. B. No. 5—An act to amend an act entitled, an "act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the Penitentiary of Washington Territory,'"

On motion of Mr. Meeker,

The Clerk was instructed to forthwith report to the Council H. B. No. 17, and H. J. R. No. 7, for the signature of the President.

H. M. No. 4—Praying that two armed steamers be stationed on the north west coast.

Read a second time; and,

On motion of Mr. Irby,

Referred to committee on Memorials.

H. M. No. 5—Praying for a further appropriation to complete the military road from Fort Steilacoom to Fort Bellingham.

Read a second time.

Mr. Balch moved that the rules be suspended and the memorial read a third time now.

Pending which,

On motion of Mr. Meeker,

Referred to committee on Memorials.

H. M. No. 6—Praying for an appropriation by Congress to buoy out the north channel of the Columbia river,

Read a second time; and

On motion of Mr. Baker,

Laid on the table and ordered to be printed.

C. M. No. 1—Relative to the creation of the office of Superintendent of Indian affairs of Washington Territory,

Read a second time; and,

On motion of Mr. Balch,

Referred to committee on Memorials.

H. B. No. 5—An act to amend an act entitled, "an act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the penitentiary of the Territory of Washington,'"

Was taken up.

Mr. Balch offered an amendment similar to Mr. Anderson's amendment to H. B. No. 1.

Which amendment was rejected.

Mr. Meeker moved that the amendment offered by Mr. Balch be spread upon the journal.

The question being on adoption of this motion the yeas and nays were demanded and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Curtis, Fletcher, Guthrie, Jackson, Hinckley, Hutchinson, Kellogg, Meeker, Moore, Peabody, Phillips, Shaw, Smith, Stillman, Wilson and Mr. Speaker—19.

Those voting in the negative were—

Messrs. Baker, Bullard, Glasgow, Irby, Kelly, Miller, Morrow and Taylor—8.

The amendment of Mr. Balch was ordered to be spread upon the Journal, as follows:

"Sec. — No part of the money appropriated by Congress for the erection of the Penitentiary shall be applied to the purpose, or to improving a site for the same, until the title of Washington Territory to the ten acres of land upon the claim of Esther Short, heretofore selected as a site for the penitentiary of Washington Territory, be decided valid by the Attorney General of the United States."

Mr. Shaw moved that now be assigned as the time for the third reading of the bill.

Upon this motion the yeas and nays were demanded, which were as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Peabody, Phillips, Shaw, Smith, Stillman, Taylor and Mr. Speaker—20.

Those voting in the negative, were—

Messrs. Balch, Bradshaw, Crockett, Hinckley, Kellogg, Meeker, Moore and Wilson—8.

So H. B. No. 5 was read a third time.

The question being upon the final passage of the bill, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Peabody, Phillips, Shaw, Smith, Stillman, Taylor and Mr. Speaker—20.

Those voting in the negative, were—

Messrs. Balch, Bradshaw, Crockett, Hinckley, Kellogg, Meeker, Moore and Wilson—8.

So the bill was passed and its title agreed to.

On motion of Mr. Kelly,

The Clerk was instructed to report forthwith to the Council the passage of said bill.

Mr. Shaw moved that now be assigned as the time for the third reading of

H. B. No. 1—An act for the erection of the public buildings at the seat of government of Washington Territory.

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kelly, Miller, Morrow, Peabody, Phillips, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker —21.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Crockett, Kellogg, Meeker and Moore —6.

The question being on the final passage of the bill, the yeas and nays were ordered and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Miller, Morrow, Peabody, Phillips, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—24.

Those voting in the negative were—

Messrs.—Balch, Meeker and Moore—3.

So the bill was passed and its title agreed to.

On motion of Mr. Guthrie,

The Clerk was instructed to forthwith report the passage of said bill to the Council.

On motion of Mr. Stillman,

The House adjourned.

MONDAY, JANUARY 4th, 1858.

House met pursuant to adjournment.

Absent—Messrs. Anderson, Bradshaw, Crockett, Fletcher, Irby, Jackson, Hutchinson, Meeker, Morrow, Peabody, Shaw, Smith, Stillman and Taylor.

Journal of Thursday, Dec. 24th, 1857, read and approved.

Mr. Miller presented a petition of citizens of Washington Territory, praying the incorporation of the Bainbridge Island Coal Company.

Mr. Wilson, from the committee on Commerce, submitted the following report:

The committee on Commerce, to whom was referred H. B. No. 18 report back the bill to the House, without amendments, and recommend its passage.

H. C. WILSON,
Chairman.

Mr. Wilson, by leave, introduced

H. B. No. 20—An act to define the southern boundary line of Kitsap county.

Read a first time and ordered to a second reading.

Mr. Curtis, by leave, introduced

H. B. No. 21—An act authorizing the county commissioners to put the convicts of the county jail to labor.

Read first time and ordered to a second reading.

On motion of Mr. Morrow,

Mr. Meeker was granted leave of absence for three days.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

H. J. R. No. 5—Relative to appointing a committee to report the expediency of appointing a commission to revise the laws of this Territory.

H. M. No. 2—Praying for an appropriation to indemnify citizens

of Washington Territory for property destroyed during the late Indian war.

Also, that the Council have concurred in the amendments of the House to

H. M. No. 1—Praying, where settlers were driven from their claims by the Indian war, their titles to the same may be confirmed.

Also, the Council have concurred in the amendments of the House to H. M. No. 1.

Also, that the President of the Council has signed,

H. J. R. No. 1—Relative to the adjournment of the Legislature over the holidays.

H. B. No. 2—An act repealing an act entitled, "an act establishing the rate of ferriage across the Columbia river, in Clarke county,"

Also, of the introduction of C. J. R. No. 2—Relative to revising, compiling, and codifying the laws of Washington Territory.

Petition of citizens of Washington Territory praying for the incorporation of the Bainbridge Island Coal Company, was,

On motion of Mr. Hinckley,

Referred to committee on Corporations.

H. B. No. 18—An act authorizing United States coast surveying parties to enter upon lands in Washington Territory, to erect signals, &c., and to prevent injury to said signals,

Which had been reported back to the House by the committee on Agriculture, was,

On motion of Mr. Morrow,

Laid on the table and ordered to be printed.

On motion of Mr. Guthrie,

H. B. No. 10—An act appropriating money from the Territorial treasury to pay for certain printing,

Was taken from the table.

Mr. Guthrie moved that the bill be considered engrossed, and now be assigned as the time for its third reading.

Pending which,

On motion of Mr. Anderson,

Was laid on the table.

On motion of Mr. Stillman,

H. B. No. 13—An act relative to the distribution of the public arms,

Was taken from the table.

On motion of Mr. Stillman,

Was amended by striking out the word "who," after the word "treasury," in the second line of section 1, and inserting the word "which."

On motion of Mr. Kelley,

Further amended by striking out the word "treasurer," in the first line of section 1, and inserting the word "auditor."

Mr. Kelley moved that the bill be considered engrossed and read a third time now.

Mr. Hinckley moved to amend by striking out section 3.

Which motion carried.

The original motion was then adopted, and the bill read a third time, passed and title agreed to.

On motion of Mr. Guthrie,

H. B. No. 12—An act to regulate the draining of marsh and swamp lands,

Was taken from the table.

On motion of Mr. Guthrie,

The amendment recommended by the committee on Agriculture was adopted.

On motion of Mr. Balch,

Further amended so as to read in second line of section 2, "let in the sea, or any other waters."

On motion of Mr. Guthrie,

Bill considered engrossed and now assigned as the time for its third reading.

Bill read a third time, passed and title agreed to.

On motion of Mr. Kelley,

H. B. No. 14—An act to amend an act entitled, "an act to incorporate the City of Vancouver,"

Was taken from the table.

The question being upon the adoption of the amendments recommended by the committee on Corporations, was put severally, and first amendment rejected.

The question being on adoption of the second amendment, the yeas and nays were demanded and were as follows:

Those voting in the affirmative, were—

Messrs. Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Miller, Moore, Morrow, Seavy, Shaw, Stillman, Taylor and Mr. Speaker—17.

Those voting in the negative, were—

Messrs. Baker, Balch, Hinckley and Kelly—4.

So the amendment was adopted.

On motion of Mr. Irby,

Bill laid on the table, and made the order of the day for to-morrow.

On motion of Mr. Glasgow,

The House adjourned.

TUESDAY, JANUARY 5th, 1858.

Absent—Messrs. Fletcher, Glasgow, Peabody, Shaw and Smith.

Journal of Monday read and approved.

Mr. Irby presented the petition of Julia Ann Lendingham, praying a divorce from her husband, A. L. Lendingham.

Mr. Speaker presented a petition from the citizens of Chehalis and Pacific counties, praying that the two counties be merged into one county;

also, a remonstrance from the citizens of Chehalis and Pacific counties against such change.

Mr. Wilson, of the committee on Commerce, submitted the following report:

The committee on Commerce have instructed me to report a bill to establish a board of Pilot Commissioners for the Columbia river.

H. C. WILSON,
Chairman.

Mr. Anderson, from the committee on Judiciary, submitted the following report:

The committee on Judiciary have had under consideration H. B. No. 15—An act to prevent the sale of Intoxicating liquors to Kanakas, and have instructed me to report said bill back to the House without amendment and recommend its passage.

J. W. ANDERSON,
Chairman.

Mr. Morrow introduced

H. M. No. 7—Praying for a military road from the military post at Port Townsend to intersect the military road from Fort Steilacoom to Fort Vancouver.

Read a first time and ordered to a second reading.

Mr. Irby introduced

H. B. No. 22—An act concerning the partition of lands.

Read first time; and,

On motion of Mr. Kelly,

Laid on the table and ordered to be printed.

Mr. Morrow introduced

H. M. No. 8—Relative to the extension of the donation law, granting settlers donations of the public lands in Washington Territory.

Read first time, and ordered to second reading.

Communication from the Governor:

EXECUTIVE DEPARTMENT, W. T.,
OLYMPIA, January 5, 1858.

To the HONORABLE SPEAKER,
of the House of Representatives:

SIR:—It becomes my duty to transmit to the Legislative Assembly

the accompanying preambles and resolutions of the States of Maine, New Hampshire, and Connecticut, some of which, I regret to say, are of a very extraordinary character, and tending directly to disorganization and revolution.

Very respectfully,
Your obedient servant,
FAYETTE McMULLEN,
Governor Washington Territory.

STATE OF MAINE:

Resolves in relation to the decision of the Supreme Court of the United States in the case of DRED SCOTT.

WHEREAS, the Supreme Court of the United States, in the recent case of Dred Scott, over which it expressly declared it had no jurisdiction, has undertaken to pronounce an extra-judicial opinion, prohibiting the people of the United States from any control of the question of slavery within the Territories of the United States, either through Congress, or local governments instituted under the authority of Congress, or otherwise; and,

Whereas, such extra-judicial opinion subordinates the political power and interests of the American people to the cupidity and ambition of a few thousand slave holders, who are thereby enabled to carry the odious institution of slavery wherever the national power extends, and pre-dooms all territory which the United States may hereafter acquire, by purchase or otherwise, to a law of slavery as irrepealable as the organic constitution of the country; and,

Whereas, such extra-judicial opinion of a geographical majority of the Supreme Court is conclusive proof of the determination of the slave-holding States to subvert all the principles upon which the American Union was formed, and degrade it into an engine for the extension and perpetuation of the barbarous and detestable system of chattel slavery; therefore,

Resolved, That the extra-judicial opinion of the Supreme Court of the United States in the case of Dred Scott, is not binding in law or conscience, upon the government or citizens of the United States, and that it is of an import so alarming and dangerous, as to demand the instant and emphatic reprobation of the country.

Resolved, That the Supreme Court of the United States, should, by peaceful and constitutional measures, be so re-constituted as to relieve it from the domination of a sectional faction, and make it a tribunal whose

decisions shall be in harmony with the Constitution of the United States and the spirit of our institutions, and, at whose hands all classes of persons in the United States, without regard to race or locality, shall receive even and exact justice.

Resolved, That until this extra-judicial opinion of the Supreme Court, establishing slavery in all the territories of the United States, and placing it beyond the reach of Congress or the people, is reversed and set aside, and, until the advance of our national flag ceases to be the advance of slavery, it will be the paramount duty of the supporters of justice and liberty to resist any further acquisition of territory which may be attempted, under whatever disguise, with the purpose of enlarging the area of an institution which is the scandal of this country and age.

Resolved, That the independent right of each State to determine who shall be admitted to political franchise and citizenship within its own limits, is clear and indisputable, and is to be exercised without question by any other state, and that persons admitted to the rights of citizenship by any state, are, by the plain letter of the Constitution of the United States, "entitled to all the privileges and immunities of citizens in the several states."

Resolved, That whatever may be the course of political events elsewhere, the people of Maine are determined to abide by, and make effective within the limits of their own sovereign jurisdiction, the principles of the declaration of American Independence, the Constitution of the United States, and the Constitution of this state, which, ordained "to establish justice" and "secure the blessings of liberty," declares that "all men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness."

Resolved, That Maine will not allow slavery within its borders, in any form or under any pretence, for any time, however short, let the consequences be what they may.

Resolved, That his Excellency, the Governor, be requested to forward a copy of these resolutions to the Governors of the several states and territories of the Union, to be laid before the legislative authorities thereof, and to each of our Senators and Representatives in Congress, to be laid before the Senate and House of Representatives of the United States.

In the House of Representatives, April 15th, 1857.—Read and passed.

C. A. SPOFFORD, Speaker.

IN SENATE, April 15, 1857.—Read and passed.

HIRAM CHAPMAN, Pres't. pro. tem.

April 15, 1857.—Approved.

JOSEPH H. WILLIAMS.

A true copy—ATTEST: ALDEN JACKSON,
Secretary of State.

STATE OF NEW HAMPSHIRE.

WHEREAS, His Excellency the Governor, has laid before the legislature, the following preamble and resolutions, from the General Assembly of the State of Arkansas, viz:

WHEREAS, the right of property in slaves, is expressly recognized by the constitution of the United States, and is by virtue of such recognition, guaranteed against unfriendly action on behalf of the general government; and, whereas, each State of the Union, by the fact of being a party to the federal compact, is also a party to the recognition and guarantee aforesaid; and, whereas, the citizens of each State are, in consequence of such citizenship, under the most sacred obligations to conform to the terms and tenor of the compact to which their State is a party, therefore,—

1st. *Be it resolved by the General Assembly of the State of Arkansas*, That the legislation of Congress, repealing the Missouri compromise of eighteen hundred and twenty, and asserting the doctrine of non-interference with slavery, alike in states and territories, is in strict accordance with the Constitution, and in itself just and expedient, and is, for these reasons, cordially approved by the people of Arkansas.

2d. *Resolved*, That the opposition of the northern states to the legislation above mentioned, is at war with the letter and spirit of the Constitution, is grossly violative of plighted faith, and is a traitorous blow aimed at the rights of the south, and the perpetuity of the Union.

Resolved, That the citizens of the State of Ohio, have pursued a course peculiarly unjust and odious, in their fanatical hostility to institutions for which they are not responsible, in their encouragement of known felons, and endorsement of repeated and shameless violations of law and decency, and in their establishment of abolition presses, and circulation of incendiary documents, urging a servile population to bloodshed and rapine; and, by reason of the premises, it is the duty and the interest of the peo-

ple of Arkansas, to discontinue all social and commercial relations with the citizens of said State, and the same is hereby earnestly recommended as the punishment of past outrages, and a preventive of further aggressions.

4th. *Resolved*, That his Excellency, the Governor, be, and he is hereby requested to transmit copies of these resolutions to the governors of the several states and territories of the Union, to be laid before the legislative authorities thereof; and to our Senators and Representatives in Congress, to be laid before the Senate and House of Representatives of the United States:"

Therefore, be it resolved by the Senate and House of Representatives in General Court convened, as follows:

1st. *Resolved*, That the legislature of New Hampshire expressly and distinctly deny, that the Constitution of the United States recognizes the right of property in slaves; and, while they admit that the Constitution confers upon Congress no authority to interfere with the subject in the States, they do claim, that, from all territory over which Congress have the exclusive power of legislation, they may, and it is their duty to exclude it, and that the doctrine of the slave States, that Congress are restrained from all action unfriendly to slavery in such territory, cannot be sustained.

2d. *Resolved*, That the legislature of New Hampshire entirely disagree with the General Assembly of the state of Arkansas, respecting the repeal of the Missouri compromise of 1820, and believe that the repeal of said compromise was an uncalled for, a most gross and wanton, outrage upon the rights, feelings and sentiments of the people of the free states, and should be condemned by every citizen of every State of this Union, as a most perfidious and treacherous violation of public faith and national honor.

3d. *Resolved*, That the people of New Hampshire demand as a right, the restoration of said compromise, and the amendment of the Kansas and Nebraska bill, so called, so as to exclude slavery from said territories, and will never consent to the admission into the Union, of any state out of said territory, with a constitution tolerating slavery.

4th. *Resolved*, That, while the people of New Hampshire are ardently and affectionately attached to the Union, and will do all in their power to preserve it, consistently with their honor and their rights, they will not, to avoid any crisis, submit to the introduction of slavery into Kansas and Nebraska, consecrated and set apart to free labor, as those territories have been for more than thirty years, by the consent of all the States of the Union.

5th. *Resolved*, That all threats of a dissolution of the Union coming from the slave States, unless they are permitted to regulate the policy of the general government on the subject of slavery, have lost all their terrors with the people of New Hampshire, and that they are resolved to demand and enforce their rights in every crisis, and at any sacrifice, consistently with honor and the Constitution.

6th. *Resolved*, That it will be in time for the General Assembly of Arkansas to complain of the legislation of the free States respecting slavery, when the slave States shall have corrected their own, and when the lives, liberty and property of the people of the free states shall be made safe therein.

7th. *Resolved*, That the question whether "it is the duty and interest of the people of Arkansas to discontinue all social and commercial relations" with the people of Ohio, in consequence of conduct of which they disapprove, is one upon which the people of New Hampshire are not at this time called to act, and one which they are willing the people of Arkansas should settle for themselves upon their own responsibility, having no fears that the people of Ohio will be frightened from what they deem their duty or interest, by any threats of the kind coming from the state of Arkansas, or any other slave State, and that the people of New Hampshire hereby pledge themselves to the people of Ohio, that they will unite with, and sustain them in all constitutional efforts to resist the further aggressions of the slave power.

8th. *Resolved*, That his Excellency, the Governor, be, and he hereby is requested, to transmit copies of these resolutions to the governors of the several states and territories of the Union, to be laid before the legislative authorities thereof; and to our Senators and Representatives in Congress, to be laid before the Senate and House of Representatives of the United States.

Approved, July 14, 1855.

JOHN J. PRENTISS,
Speaker House of Representatives.
WILLIAM HAILE,
President of the Senate.
RALPH METCALF,
Governor.

SECRETARY OF STATE'S OFFICE,
Concord, N. H.

I hereby certify, that the foregoing is a true copy of a preamble and

resolutions passed by the Legislature of this State, copied from the original record now on file in this office.

LEMUEL N. PATTEE,
Secretary of State.

EXECUTIVE DEPARTMENT,
November 2d, 1856.

SIR:—By direction of His Excellency, the Governor, I have the honor to transmit a copy of a preamble and resolutions, passed by the Legislature of this State, agreeably to the requirements of said resolutions.

Very respectfully,
Your obedient servant,
LEMUEL N. PATTEE,
Secretary of State.

STATE OF NEW HAMPSHIRE.

In the year of our Lord, one thousand eight hundred and fifty-six.

Resolutions of the Legislature of New Hampshire in relation to the late acts of violence and blood-shed by the Slave Power in the Territory of Kansas, and the National Capital.

Resolved by the Senate and House of Representatives in General Court convened as follows: I. *Resolved*, That all subsequent events have demonstrated that the abrogation, in the act organizing the territories of Kansas and Nebraska, of the prohibition against slavery, which formed a part of the compact long known and respected as the Missouri Compromise, was not, as was alleged by the supporters of the measure, for the purpose of recognizing and enunciating a great political principle, but, as was charged by its opponents at the time, had for its object to strip that great territory of its defences, and to open it to invasion and conquest by that relentless power, which, in its onward movement, no concession can appease, and no acquisition can satisfy; and which, for the advancement of its unholy purposes, has long wielded, and virtually claims the right to wield the whole power of the general government.

2. *Resolved*, That the successful incursions of the armed and organized bands of marauders from a neighboring state into the territory of Kansas—assailing and overpowering its peaceful inhabitants, preventing their lawful exercise of their political rights, seizing upon and appropriating all the powers vested in them for the formation of a government, and fortifying and perpetuating this usurpation by the most oppressive and atrocious laws—have proved that the doctrine of popular sovereignty, however true in the abstract, and in its application to more mature, or to independent communities, is not fitted to the condition of an infant territory, under constitutional guardianship, and most especially, where the powers vested in the guardian shall be used in violation of the great trust which it holds.

3d. *Resolved*, That there never has been established in Kansas any government in accordance with the provisions of its territorial or organic law, and that the conduct of the National Executive, in sanctioning and sustaining a pretended government, forcibly imposed upon its inhabitants by slavery fanatics and propagandists from the State of Missouri, is unjust and inhuman, and ought to be rebuked by the friends of freedom throughout the Union, in the most emphatic manner in which they can express their condemnation of wrong.

4. *Resolved*, That the adoption of a constitution, the organization of a government, and the application for admission into the Union as a State, by the people of Kansas, are measures forced upon them, by the necessities of their condition, are justified by precedent, and should be acceded to by Congress as the best and speediest, if not the only means of restoring peace and order to the territory, and of calming the agitation of the country.

5. *Resolved*, That responsibility for the depredations, burnings, imprisonments, and murders which have been committed against the property and persons of the people of Kansas, tidings of which have come to us upon every western breeze, rests, we are constrained to say, as well upon the President of the United States, charged with the execution of the laws and the preservation of the peace of the country, as upon the inflamed and misguided men who have been the actors in the perpetration of these crimes, and upon those who have stimulated and instigated their commission.

6. *Resolved*, That the recent unmanly and murderous assaults which have disgraced the national Capital, are but the single outbursts of that fierce spirit of determined domination which has revealed itself so fully on a larger field, and which manifests itself at every point of contact between freedom and slavery, and, which, if it shall not be promptly met and subdued, will render any free expression of opinion, any inde-

pendence of personal action by prominent men of the free states in relation to the great national issue now pending, imprudent and perilous, unless it shall be understood that it is to be backed up by the bowie knife and the revolver.

7. *Resolved*, That while offences, of whatever enormity, which affect only or mainly individual security, may be referred for punishment to the local laws of the place where they are committed,—for those offences which reach beyond the individual, and inflict a wound upon a great principle which concerns the whole people, it becomes a duty to arrain the offender at the bar of the public opinion of the country, and to pronounce upon him such sentence of condemnation as his crime shall merit.

8. *Resolved*, That the assault upon an editor of a public journal, when in attendance upon Congress in his lawful business, for opinions supposed to have been expressed by him through the columns of that journal, upon the public official conduct of a member of the government, was a blow at the freedom of the press, and could only have been intended as an admonition that slavery had grown so great that her champions must be spoken of only in careful language and with bated breath.

Resolved, That the later, more atrocious and more brutal attack, by one of the chivalrous Representatives of South Carolina, upon a Senator from Massachusetts in the Senate chamber, for words spoken in debate, in his place, and as the organ of the State which he in part represents in that body, made with the stealthy approach of the assassin, and with the cowardly accompaniment of an accessory and coadjutor, inflicting blows which by their force and frequency had in them hardly anything short of the significance of murder, is receiving the indignant rebuke which it deserves, from the concentrated voice of the people of the free states, expressed through the press, and in popular assemblies and legislative bodies —not merely as a crime against personal sanctity, but as a violation of Senatorial privilege, as an insult to the dignity and rights of a sovreign State, and as an outrage upon the great constitutional right of freedom of debate—a right, in the vindication and preservation of which, every State and every citizen has a deep interest—and that it is fitting that New Hampshire, through her Legislature, should add her voice, as she now does, to that of Massachusetts, Rhode Island and Connecticut, in swelling this volume of denunciation, and in demanding the punishment of the offender, by his expulsion from that body which he has disgraced.

10. *Resolved*, That the people of the free States, strong in the irresistible force of a majority of numbers, have the power, if they will exercise it, through the lawful and peaceful agency of the ballot-box, to compel respect for the rights of their representatives wherever they may be in the discharge of their official duties; the power to right the wrongs

of Kansas, and to restore peace and security to that unhappy territory; the power to prevent the extension of slavery over any territory now free, and to re-establish freedom, as it should have ever been, as the controlling power in the government—and that this state now pledges herself to co-operation with any and all of her sister states in all constitutional measures for the accomplishment of these great ends.

Resolved, That his Excellency, the Governor, be requested to forward a copy of these resolutions to the Governors of the several states and territories of the Union, to be laid before the legislative authorities thereof, and to each of our Senators and Representatives in Congress, to be laid before the Senate and House of Representatives of the United States.

EDWARD H. ROLLINS,
Speaker House of Representatives.
THOMAS J. MELVIN,
President of the Senate.

Approved, July 12, 1856.

RALPH METCALF,
Governor.

SECRETARY OF STATE'S OFFICE,
Concord, N. H.

I hereby certify, that the foregoing is a true copy of the resolutions passed by the Legislature of this State, copied from the original record now on file at this office.

LEMUEL N. PATTEE,
Secretary of State.

STATE OF CONNECTICUT.

GENERAL ASSEMBLY,
MAY SESSION, 1855.

WHEREAS, the bill organizing the territories of Nebraska and Kansas was, in itself, premature and uncalled for; in its abrogation of the Missouri Compromise, a needless violation of a time-honored compact; in its passage, pressed, with indecent haste, upon a reluctant congress and an

outraged country; and, in its results, has awakened dangerous sectional agitation, and led to lawless violence in the territories themselves;

And whereas, in support of that act, the doctrine has of late been promulgated, that the persons inhabiting the territories of the United States are, or ought to be, within their respective territorial limits, sovereign for all purposes of legislation, though dependent upon the executive branch of the general government for their judicial and executive administration, and as such a doctrine is believed by the good people of this state to be false in theory and dangerous in practice; therefore,

Resolved by the Senate and House of Representatives in General Assembly convened, That the recent act of Congress entitled, "A bill to organize the territories of Nebraska and Kansas," deserves, as it has received from the people of Connecticut, an unqualified condemnation.

Resolved, That it is not only the right of Congress "to make all needful rules and regulations respecting the territories belonging to the United States," but it is also the duty of the National Legislature to exercise that right in such manner as will best conduce to the lasting welfare of those who are, in future generations, to occupy our vast domain.

And whereas, the subject of national legislation for the national territories is, at the present time, a matter of grave concern to the whole country, and it is proper that the people of each State should, in the spirit of intelligent patriotism, express their sentiments and purposes thereon, and as the fathers of Connecticut did, by their legislative acts, in the years 1774 and 1784, declare, that "the increase of slaves in this state" was "injurious to the poor and inconvenient," and that sound policy "did require that the abolition of slavery should be effected" therein, "as soon as might be consistent with the rights of individuals and the public safety and welfare;" and as the inhabitants of this State have ever had reason to be grateful for the wise foresight by which our beloved Commonwealth has been freed from the manifold evils of human bondage, and we believe it to be our duty as a portion of the American people, to aid in establishing upon a broad and firm foundation, the prosperity of the States yet to be added to the confederacy; therefore,

Resolved, That Connecticut will never consent to the extension of slavery over the common domain of the United States; but, on the contrary, believing that the free institutions, which an experience almost coeval with the life of the Republic has proved to be good for her, are, and will be good for all future commonwealths, she will strive, to the best of her ability, to exclude the relation of human bondage from the national territories.

And whereas, it appears that one of the territories of this union has been invaded by an armed and organized force, for the purpose of des-

troying the freedom of the elective franchise among the inhabitants thereof; which purpose has been accomplished by brutal violence, and the repetition of the like outrage is openly threatened; therefore,

Resolved, That it is the duty of the General Government to protect, even by armed intervention, if necessary, the people of the territories in the exercise of all their rights, and that the National Administration which neglects to perform this duty, is recreant alike to the Constitution and the best interests of the Union.

And whereas, the Fugitive Slave Act of 1850, is, in its requirements insulting to the spirit of freemen, in its details subversive of states righ's, in its operation productive of dangerous sectional agitation, and as a law is of doubtful constitutionality; therefore,

Resolved, That while the people of Connecticut are prepared to comply with the Constitution of the United States in all its parts, without equivocation or reservation, they will yet insist, in all proper times and places, that an act so justly odious in its character, shall be materially modified or wholly repealed.

And whereas, upon most of the topics embraced in the foregoing resolutions, there are and must be, differences of opinion, more or less indicated by geographical lines; and whereas, false and designing men, taking advantage of that circumstance, have endeavored and are endeavoring to sow the seeds of evil dissension and disunion; therefore,

Resolved, That Connecticut regards the people of the United States as one people, bound together by the ties of a common history, a common glory and a common destiny; that she cherishes with fraternal regard, each and every State of the Union; that she loves that Union, and will stand by it, support it and defend it from all assault, at home or abroad, and, in these troubled times, she calls upon the other members of the confederacy, in the spirit of patriotic conciliation, to unite with her in cementing anew the foundations of our common nationality.

Resolved, That copies of the preambles and resolutions, certified by the Secretary of State, be transmitted by His Excellency the Governor, to the Senators and Representatives of this State in Congress, to be laid before the Senate and House of Representatives of the United States, and to the Governors of the several states and territories of the Union, to be laid before the legislative authorities thereof.

Approved June 15, 1855.

STATE OF CONNECTICUT, ss.
Office of Secretary of State.

I hereby certify that the foregoing is a true copy of record in this Office.

In testimony whereof, I have hereunto set my hand, and affixed the (L. S.) seal of State, at Hartford, this 23d day of June, A. D. 1855.

N. D. SPERRY,
Secretary of State.

Mr. Anderson introduced

H. B. No. 22—An act declaring so much of the military road leading from Steilacoom to Vancouver as lies within the limits of Lewis county, a territorial road."

Read first time, and ordered to second reading.

Mr. Guthrie introduced

H. M. No. 9—Relative to the payment of the war debt.

Read a first time and ordered to a second reading.

Mr. Anderson introduced

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier.

Read a first time and ordered to a second reading.

Mr. Miller introduced

H. J. R. No. 8—Relative to appointing a committee to make a new apportionment.

Read first time and ordered to a second reading.

Mr. Fletcher in the Chair.

H. B. No. 20—An act to define the southern boundary line of Kitsap county.

Read a second time; and,

On motion of Mr. Balch,

Referred to committee on Counties, with instructions that they report to-morrow.

H. B. No. 21—An act authorizing the county commissioners to put the convicts of the county jail to labor.

Read a second time; and,

On motion of Mr. Hinckley,

Referred to the committee on Judiciary.

Mr. Van Cleave called up the report of the committee on Commerce relative to

H. B. No. 24—An act to establish a board of Pilot Commissioners for Columbia river.

Read first time and ordered to a second reading.

Mr. Balch called up the report of the committee on Judiciary, relative to

H. B. No. 15—An act to prevent the sale of intoxicating liquors to Kanakas.

Read a second time; and,

On motion of Mr. Kelly,

Laid on the table, and ordered printed.

The petition of Julia Ann Lendingham of Clarke county, for a divorce, coming up, was,

On motion of Mr. Van Cleave,

Referred to committee on Judiciary.

The petition and remonstrance of citizens of Chehalis and Pacific counties relative to merging the two counties into one county, was,

On motion of Mr. Bullard,

Laid on the table.

Communication of the Governor coming up,

Mr. Balch moved to lay it on the table, and order 1,000 copies to be printed.

Mr. Phillips called for a division of the question.

The communication was laid on the table.

Mr. Speaker in the Chair.

The question being on ordering 1,000 copies to be printed, the yeas and nays were demanded and were as follows:

Those voting in the affirmative, were—

Messrs. Balch, Bradshaw, Glasgow, Guthrie, Jackson, Hutchinson, Kellogg, Miller, Moore, Stillman, Wilson and Mr Speaker—12.

Those voting in the negative, were—

Messrs. Anderson, Baker, Bullard, Crockett, Curtis, Fletcher, Irby, Hinckley, Kelly, Morrow, Phillips, Seavy, Shaw and Taylor—14.

So the motion was lost.

Mr. Kelly called up

H. B. No. 14—An act to amend an act entitled, "an act to incorporate the City of Vancouver,"

On motion of Mr. Fletcher,

Amended so as to make sections 19 and 20 read sections 3 and 4.

On motion of Mr. Irby,

After the 8th clause of section 1, the following proviso was inserted: "*Provided however*, that the city authorities shall not grant license for the sale of spirituous or malt liquors for a less sum than is or may hereafter be establish by law."

On motion of Mr. Morrow,

The bill was considered engrossed, and read a third time, passed and title agreed to.

Report of committee on Claims on petitions of B. P. Anderson and B. F. Kendall was taken up.

H. B. No. 25—An act appropriating money for the payment of certain fees,

Was read first time and ordered to a second reading.

H. B. No. 9—An act to repeal an act entitled, "an act to amend an act entitled, 'an act to increase county revenue,'"

Was taken up.

Mr. Irby moved to lay on the table and order to be printed.

Which motion was lost.

Mr. Balch moved to indefinitely postpone,

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Irby, Hinckley, Moore, Seavy, Stillman and Wilson—9.

Those voting in the negative were—

Messrs. Anderson, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Jackson, Hutchinson, Kellogg, Kelly, Morrow, Phillips, Shaw, Taylor and Mr Speaker—16.

So the motion was lost.

Mr. Gutnrie moved that now be assigned as the time for the third reading of the bill;

Pending which,

Mr. Wilson offered an amendment.

On motion of Mr. Shaw,

The House adjourned.

WEDNESDAY, JANUARY 6, 1858.

House met pursuant to adjournment.

Journal of Tuesday read and approved.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined the following bills and memorials and find them correctly enrolled:

H. M. No. 2—Praying for an appropriation to indemnify citizens of Washington Territory for property destroyed during the late Indian war.

H. M. No. 1—Praying, where settlers were driven from their claims by the Indian war, their titles to the same may be confirmed.

H. J. R. No. 5—Relative to appointing a committee to report the expediency of appointing a commission to revise the laws of this Territory.

DAVID PHILLIPS,
Chairman.

Mr. Jackson, from committee on Counties, submitted the following report:

The committee to whom was referred H. B. No. 20, have had the same under consideration, and have instructed me to report the same back to the House without amendment and recommend its passage.

H. JACKSON,
Chairman.

Mr. Anderson, from committee on the Judiciary, submitted the following report:

The committee on Judiciary, to which was referred the petition of Julia Ann Lendingham, praying a divorce from her husband, A. L. Lendingham, have had the same under consideration and have instructed me to report by bill.

The committee have also had under consideration

H. B. No. 19—An act to confer civil jurisdiction upon probate courts, and regulate the practice therein,

And have instructed me to report said bill back to the House without amendment, and recommend its passage.

J. W. ANDERSON,
Chairman.

Mr. Curtis introduced

H. M. No. 11—For the payment of the war debt.

Message from the Council by their Clerk:

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

H. B. No. 1—An act to provide for the erection of the public buildings at the seat of government of Washington Territory,

And that they have agreed to its title.

H. M. No. 11—Read first time and ordered to second reading.

Mr. Kellogg introduced

H. M. No. 12—To Brig. Gen. Clarke, of the Pacific Division U. S. A.

Read a first time and ordered to a second reading.

Mr. Speaker gave notice that he was about to sign H. M. No. 2, H. M. No. 1, and H. J. R. No. 5.

Mr. Guthrie introduced

H. B. No. 26—An act to amend an act entitled, "an act relating to common schools in the Territory of Washington."

Read first time; and,

On motion of Mr. Phillips,

Laid on the table and ordered to be printed.

Mr. Anderson introduced

H. M. No. 13—Relative to paying citizens for making emigrant road over the Nachess pass.

Read a first time and ordered to a second reading.

Mr. Glasgow introduced

H. B. No. 27—An act to amend an act entitled, "An act relative to weights and measures."

Read first time and ordered to a second reading.

Mr. Bradshaw introduced

H. M. No. 14—Praying for military post at New Dunginess, and military road from New Dunginess to Port Townsend.

Read first time and ordered to a second reading.

Mr. Irby introduced

H. B. No. 28—An act to amend an act entitled, "an act to regulate the practice and proceedings in civil actions."

Read first time and ordered to a second reading.

Mr. Hinckley in the chair.

Mr. Shaw introduced

H. B. No. 29—An act supplemental and amendatory to an act entitled, "an act to organize the militia."

Read a first time; and,

On motion of Mr. Kelley,

Laid on the table and ordered to be printed.

Mr. Fletcher introduced

H. J. R. No. 9—Relative to calling upon the Governor for his views upon the war debt.

Read first time; and,

On motion of Mr. Van Cleave,

Rules suspended and resolution read a second time now.

Mr. Balch moved to amend the resolution so as to read, "and his views upon the proclamation of martial law by Brigham Young."

Mr. Curtis moved to amend the amendment so as to read, "and his views in regard to the Washington Republican."

Which amendment to the amendment was accepted.

On motion of Mr. Van Cleave,

Amendment, as amended, was laid on the table.

Mr. Van Cleave moved that the resolution be considered engrossed, and to-morrow be assigned as the time for its third reading.

Mr. Balch moved to amend the motion by assigning the 15th January instead of to-morrow.

On motion of Mr. Curtis,

This latter motion was laid on the table.

The Chair decided that the laying of this latter motion on the table carried the original motion with it.

On motion of Mr. Curtis,

An appeal was taken from the decision of the Chair.

The question being upon the decision of the Chair, was lost.

The question then being upon the original motion, to-morrow was assigned as the time for the third reading of the resolution.

Mr. Baker introduced

H. B. No. 30—An act authorising William H. Cooper to establish a ferry,

Accompanied by a petition from citizens of Thurston county that the ferry contemplated by the bill be established.

Read first time and ordered to a second reading.

Mr. Speaker in the Chair.

H. B. No. 23—An act declaring so much of the military road leading from Steilacoom to Vancouver as lies within the limits of Lewis county, a territorial road."

Read a second time; and,

On motion of Mr. Stillman,

Referred to committee on Roads and Highways.

H. B. No. 24—An act to establish a board of Pilot Commissioners for Columbia river.

Read a second time; and,

On motion of Mr. Balch,

Laid on the table and ordered to be printed.

Mr. Kelly in the chair.

H. B. No. 25—An act to appropriate money for the payment of certain fees.

Read a second time; and,

On motion of Mr. Balch,

Amended by adding the words "in the case 'Leschi,' (Indian.)

On motion of Mr. Van Cleave,

Was considered engrossed and to-morrow assigned as the time for its third reading.

H. M. No. 7—Praying for a military road from the military post at Port Townsend to intersect the military road from Fort Steilacoom to Fort Vancouver,

Read a second time; and,

On motion of Mr. Irby,

Referred to committee on Memorials.

H. M. No. 8—Relative to the extension of the donation law, granting settlers donations of the public lands in Washington Territory.

Read second time; and,

On motion of Mr. Taylor,

Referred to committee on Memorials.

Mr. Speaker in the chair.

H. M. No. 9—Relative to the payment of the war debt;

Read a second time; and,

On motion of Mr. Guthrie,

Referred to the committee on Military Affairs with instructions not to report until after the second reading of a memorial upon the same subject now before the House.

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier.

Read second time; and,

On motion of Mr. Wilson,

Referred to committee on Memorials.

H. J. R. No. 8—Relative to appointing a committee to make a new apportionment.

Read second time; and,

On motion of Mr. Phillips,

Was laid on the table, and made the order of the day for the 15th day of January.

H. B. No. 31—An act dissolving the bonds of matrimony existing between Julia A. Lendingham and A. L. Lendingham,

Which had been reported by the committee on the Judiciary,

Read first time, and ordered to second reading.

H. B. No. 19—An act to confer civil jurisdiction upon probate courts and regulate the practice therein,

Reported from the committee on Judiciary, coming up,

Laid on the table, and ordered printed.

H. B. No. 20—An act to define the southern boundary line of Kitsap county.

Laid on the table and ordered to be printed.

On motion of Mr. Curtis,

H. M. No. 6—Praying for an appropriation by Congress to buoy out the north channel of the Columbia river,

Was taken from the table.

On motion of Mr. Balch,

Was considered engrossed and read a third time now and passed.

On motion of Mr. Glasgow,

H. B. No. 11—An act relative to estrays.

Was taken from the table.

Mr. Glasgow offered the following amendment:

Amend first section so as to read:—

Sec. 1. Be it enacted by the Legsslative Assembly of the Territory of Washington, That it shall be lawful for any person who shall have been an actual resident in the precinct for one year, to take up any estray running at large within three miles of the place where such taker-up resides, and any person taking up any stray shall, before posting such, en-

quire of all the actual residents within three miles of the place where such stray was found, describing to such residents all natural and artificial marks and brands, and if no owner can be found for such stray within these limits, then such person shall have a right to post and proceed as provided in the following sections.

Amend section 9 so as to read:—

Sec. 9. All that part of the act relating to estrays in the act entitled, "an act relative to estrays and other unclaimed personal property," shall be, and is hereby repealed.

Which amendment was lost.

On motion of Mr. Irby,

The bill was laid on the table and made the special order of the day for the 16th day of January.

On motion of Mr. Balch,

The House adjourned.

THURSDAY, JANUARY 7th, 1858.

House met pursuant to adjournment.

Journal of Wednesday read and approved.

Absent—Mr. Anderson.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed to inform the House that the Council have passed

C. B. No. 3—Relative to appropriating money from the Territorial treasury to Jas. McDonald and others for the arrest of Patrick Reagan.

H. B. No. 5—An act to amend an act entitled, an "act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the Penitentiary of Washington Territory,'"

Also, a substitute for

H. J. R. No. 5—Relative to appointing a commission to compile, revise and codify the laws of Washington Territory.

Also, the Council have passed C. J. R. No. 2.

Mr. Meeker presented a petition from the citizens of Pierce county, in relation to a Territorial road.

Mr. Hutchinson presented a petition from Alex. Abernethy and others relative to declaring certain waters navigable.

Mr. Crockett presented a petition from John Packard relative to a toll bridge.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined C. B. No. 2—Relative to a Territorial road—and find the same correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

C. M. No. 1—Relative to the creation of the office of Superintendent of Indian affairs of Washington Territory,

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,

H. M. No. 4—Praying that two armed steamers be stationed on the north-west coast,

H. M. No. 5—Praying for a further appropriation to complete the military road from Fort Steilacoom to Fort Bellingham,

Have had the same under consideration, and instructed me to report them back without amendment and recommend their passage.

R. V. PEABODY,
Chairman.

Mr. Irby introduced

H. J. R. No. 10—Relative to making Vancouver a port of delivery.

Read a first time and ordered to a second reading.

Mr. Stillman introduced

H. B. No. 32—An act to re-locate the Territorial University.

Read a first time and ordered to a second reading.

Mr. Hinckley introduced

H. B. No. 33—An act to repeal an act entitled, "an act to amend an act entitled, 'an act to regulate marriage, passed April 20th, 1854.'"

H. B. No. 30—An act authorizing William H. Cooper to establish a ferry.

Read a second time; and,

On motion of Mr. Balch,

Referred to committee on Roads and Highways.

H. B. No. 31—An act dissolving the bonds of matrimony existing between Julia Ann Lendingham and A. L. Lendingham.

Read a second time.

Mr. Irby moved to suspend the rules and read the bill a third time now.

Upon the call of Mr. Balch, the accompanying documents were read.

The yeas and nays being demanded upon the motion to suspend the rules and read a third time now, the result was as follows:

Those voting in the affirmative were—

Messrs. Bradshaw, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Morrow, Peabody, Shaw and Taylor —14.

Those voting in the negative were—

Messrs. Baker, Balch, Crockett, Hinckley, Kelly, Meeker, Miller, Moore, Phillips, Seavy, Stillman, and Mr. Speaker—12.

Two-thirds not having voted in the affirmative the motion was lost.

Mr. Kelly moved that the bill be indefinitely postponed.

Upon this motion the yeas and nays were demanded, which were as follows:

Those voting in the affirmative, were—

Messrs.—Balch, Hinckley, Kelly, Meeker, Moore, Phillips, Stillman and Wilson—8.

Those voting in the negative were—

Messrs. Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher,

Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Miller, Morrow, Peabody, Seavy, Shaw, Taylor and Mr. Speaker—16.

So the motion was lost.

Mr. Guthrie moved that when the House adjourn it adjourn to meet at 2 o'clock, P. M.

Which motion prevailed.

On motion of Mr. Guthrie,

H. B. No. 31—An act dissolving the bonds of matrimony existing between Julia A. Lendingham and A. L. Lendingham,

Was laid on the table, and made the special order of the day for to-morrow.

Mr. Speaker gave notice that he was about to sign C. B. No. 2.

H. B. No. 27—An act to amend an act entitled, "An act relative to weights and measures."

Read a second time; and,

On motion of Mr. Balch,

Referred to committee on Agriculture.

H. B. No. 28—An act to amend an act entitled, "an act to regulate the practice and proceedings in civil actions."

Read a second time; and,

On motion of Mr. Stillman,

Referred to committee on Judiciary.

H. M. No. 11—For the payment of the war debt.

Read second time; and,

On motion of Mr. Irby,

Referred to the committee on Military Affairs.

H. M. No. 12—To Brig. Gen. Clarke, of the Pacific Division U. S. Army.

Read second time; and,

On motion of Mr. Balch,

Laid on the table and ordered to be printed.

H. M. No. 13—Relative to paying citizens for making emigrant road over the Nachess pass.

Read a second time; and,

On motion of Mr. Shaw,

Laid on the table and ordered to be printed.

H. M. No. 14—Praying for military post at New Dunginess, and military road from New Dunginess to Port Townsend.

Read second time; and,

On motion of Mr. Bradshaw,

Referred to committee on Memorials.

H. B. No. 25—An act to appropriate money for the payment of certain fees.

Read a third time; and,

The question being upon the final passage of the bill, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Baker Balch, Bradshaw, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Kelly, Miller, Moore, Morrow, Peabody, Seavy, Shaw, Stillman, Taylor, Wilson, and Mr. Speaker—24.

Those voting in the negative, were—

Messrs. Crockett, Hinckley and Meeker—3.

So the bill was passed, and its title agreed to.

H. J. R. No. 9—Relative to calling upon the Governor for his views upon the war debt.

Was read a third time; and,

On motion of Mr. Balch,

Was laid on the table and made the special order of the day for the 4th of July next.

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,

Which had been reported back from the committee on Memorials, was taken up; and,

On motion of Mr. Guthrie,

Laid on the table, and ordered printed.

Petition of citizens of Pierce county in relation to a Territorial road, was taken up; and,

On motion of Mr. Meeker,

Referred to committee on Roads and Highways.

H. M. No. 4—Praying that two armed steamers be stationed on the north-west coast,

Which had been reported back from committee on Memorials, was taken up.

On motion of Mr. Peabody,

Laid on the table and crdered to be printed.

On motion of Mr. Fletcher,

The House adjourned.

AFTERNOON SESSION.

The petition of J. A. Packard, praying a charter for a toll bridge was taken up.

Mr. Curtis moved to refer to a committee of five, consisting of three from Thurston county and two from Pierce county.

Which motion was carried.

The Chair appointed as said committee, Messrs. Miller, Baker and Guthrie, of Thurston, and Messrs. Moore and Meeker, of Pierce.

Petition of Alex. Abernethy and others relative to declaring certain waters navigable; was,

On motion of Mr. Meeker,

Referred to committee on Commerce.

H. M. No. 5 was taken up; and,

On motion of Mr. Balch,

Considered engrossed and now assigned as the time for its third reading.

The memorial was read a third time.

The question being upon its final passage, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—27.

So the memorial passed unanimously.

C. M. No. 1—Relative to the creation of the office of superintendent of Indian affairs for Washington Territory,

Which had been reported back from committee on Memorials, was taken up.

On motion of Mr. Anderson,

The words "good and sufficient," in the last line of the preamble, were stricken out.

On motion of Mr. Anderson,

The words "impracticable and" in the second line of the first paragraph were stricken out.

On motion of Mr. Anderson,

All after the word "it," in the third line of the first paragraph were stricken out, and the words "and consequently much important business is neglected," inserted.

On motion of Mr. Balch,

All after the word "agents," in the fifth line to the 11th line in the 7th paragraph, were stricken out.

On motion of Mr. Meeker,

The 9th day of January was assigned as the time for the third reading of the memorial.

Mr. Peabody moved that when the House adjourned, it adjourn to meet on Saturday next.

Which motion was carried.

Business from the Council:

C. B. No. 3—Relative to appropriating money from the Territorial treasury to Jas. McDonald and others for the arrest of Patrick Reagan.

Read first time, and ordered to second reading.

Substitute for H. J. R. No. 2—Relative to appointing a commission to compile, revise, and codify the laws of Washington Territory.

Read first time and ordered to a second reading.

Other business of the House:

On motion of Mr. Balch,

H. B. No. 15—An act to prevent the sale of intoxicating liquors to Kanakas,

Was taken from the table; and,

On motion of Mr. Balch,

The bill was considered engrossed, and read a third time, passed, and its title agreed to.

On motion of Mr. Guthrie,

H. B. No. 10—An act appropriating money from the Territorial treasury to pay for certain printing,

Was taken from the table; and,

On motion of Mr. Guthrie,

Made the order of the day for the 9th of January.

H. B. No. 9—An act to repeal an act entitled, "an act to amend an act entitled, 'an act to increase county revenue,'"

Was taken up; and,

On motion of Mr. Shaw,

Was laid on the table.

H. B. No. 7—An act repealing jurisdiction of probate courts and justices of the peace.

Was taken up; and,

On motion of Mr. Balch,

Indefinitely postponed.

H. B. No. 3—An act to amend an act entitled, "an act to amend an act entitled, 'an act to increase the county revenue,'"

Was taken up.

Mr. Hinckley moved to strike out section 2.

On motion of Mr. Miller,

The motion was laid on the table.

The question then being on the motion to indefinitely postpone, it was decided in the affirmative.

On motion,

The House adjourned.

SATURDAY, JANUARY 9, 1858.

House met pursuant to adjournment.

Absent—Messrs. Morrow and Smith.

Journal of Thursday read and approved.

Mr. Bradshaw presented a petition from citizens of Chehalis county, relative to making one county of Chehalis and Pacific.

Mr. Crockett, from the committee of Roads and Highways, submitted the following report:

The committee on Roads and Highways, to whom was referred H. B. No. 23—An act declaring so much of the military road leading from Steilacoom to Vancouver as lies within the limits of Lewis county, a territorial road,"

Have instructed me to report the same back to the House without amendment and recommend its passage,

S. B. CROCKETT,

Chairman.

The Speaker laid before the House the annual report of the Territorial Auditor, which is as follows:

OFFICE OF TERRITORIAL AUDITOR,
OLYMPIA, WASHINGTON TERRITORY, Dec. 13th, 1857.

Hon. J. S. M. VAN CLEAVE,

Speaker of the House of Representatives:

SIR:—Herewith is transmitted my annual Report for the fiscal year, ending 12th inst.

H. R. CROSBIE,
Territorial Auditor.

The amount received into the treasury during the last fiscal year, as shown by the general account with the Territorial Treasurer, marked A, is	$1,936 14
Balance remaining in the treasury, Dec. 13, 1856,	63 36
	1,999 50
The disbursements during the same time have been,	1,084 47
Balance remaining in the treasury, Dec. 13, 1857,	915 03
The whole number of warrants issued during the last fiscal year, as shown by statement B, amount to	536 00
Amount of Territorial revenue due from the several counties for the past fiscal year, as shown by the statement C,	2,332 20
The Territorial revenue for the next fiscal year, if proper assessments are made, should amount to	3,000 00

Estimate of expenditures for the next fiscal year:

Expenses of Treasury Department,	200 00
Salary of Territorial Auditor,	25 00
Incidental expenses,	500 00
	$725 00

The revenue has increased nearly one third since the rendition of the last annual report, while the expenditures have been very considerably less. The payment into the treasury for the year 1855, was a little more than $1300. The amount for the year 1856 was about $2,000. The revenue in the former year was not sufficient to defray the liabilities of the Territory. At present, there is remaining in the treasury, after the redemption of outstanding warrants, a balance of $915 03. As the re-

venue for the next year will probably be double that of the past by proper economy, a treasury fund may accrue, sufficient to meet all the additional expenses that must necessarily be incurred on the completion of the penitentiary.

The assessed value of the taxable property is scarcely a fair criterion of the wealth of the Territory—the real value is doubtless much greater. The rule that the assessor adopted was evidently that of taxing at the rate that property would bring at a forced cash sale, which, in many instances, undervalued property very considerably.

The increased assessment in most of the counties is an encouraging evidence of the resumption of prosperity—the gradual recovery from the almost utter prostration produced by the disastrous effects of the late Indian war.

The aggregate assessment of Pierce county has again nearly doubled that of the preceding year. This, however, is mainly attributable to the greater valuation placed upon the possessions of the Puget Sound Agricultural Company in that county, which seems to have increased in a most remarkable manner within the last two years—that property, as returned by the assessor for 1855, was estimated at $46,602; for 1856, at $240,170, and the year 1857, at $548,330.

The counties of Skamania and Pacific have not forwarded their assessment rolls for the year 1857.

The county of Walla Walla has not forwarded an assessment roll since its organization.

I have appended to the report all the information that could be obtained from the assessment returns as to the products and industrial pursuits of the Territory. It is, of course, but a meagre statement, as many of the returns contain no other information than the gross amount of taxable property. In order to remedy this deficiency for the future, the Territorial Auditor should be directed to prepare the assessment rolls for each county, in a form calculated to exhibit the detailed information required—making it obligatory on county auditors and assessors to make out the rolls in the manner designated.

The annual report of the Territorial Auditor would then show at a glance the products to which the soil is best adapted, and the industrial pursuits most remunerative. It would be also, a complete history of the increase of population and wealth of the Territory for each succeeding year. The incalculable advantages to be derived therefrom overbalances the trifling additional expense that the Territory would be subjected to.

I join in the recommendation of my predecessor, that the act creating the office and defining the duties of the Territorial Auditor be amended in the manner above specified.

I would also suggest that Congress be memorialized to grant to the Territory the lands that have been reported as unfit for cultivation, or impracticable of survey. The swamp and other lands that have been thus reported to the register of the land office at this place amounts to ninety-one thousand eight hundred and forty acres. They may, in the future, be a source of considerable revenue.

The salary of the Auditor should be increased to the amount heretofore allowed. One hundred and fifty dollars is but a moderate compensation for the proper discharge of the duties of the office. The present mere pittance of twenty-five dollars, is certainly an inadequate compensation.

HENRY R. CROSBIE,
Territorial Auditor.

STATEMENT "A."

William Cock, Territorial Treasurer,
in ac't. with Washington Territory, Dr.

1857.							
To balance remaining in Treasury, Dec. 13, 1856,							$63 36
Jan. 1st.,	To amount received from Treasurer of Jefferson county,						77 35
Jan. 2d,	To am't received from Treasurer of				Thurston	Co.,	121 38
" 19,	"	"	"	"	"	"	249 76
" 21,	"	"	"	"	Jefferson	"	91 40
" 30,	"	"	"	"	Clarke,	"	150 00
" 31,	"	"	"	"	King	"	66 74
March 11,	"	"	"	"	"	"	50 00
April 25,	"	"	"	"	"	"	46 75
July 17,	"	"	"	"	Pierce,	"	100 00
Nov. 2,	"	"	"	"	"	"	260 13
" 2,	"	"	"	"	Thurston	"	464 50
" 4,	"	"	"	"	Whatcom	"	22 01
Dec. 8,	"	"	"	"	Kitsap,	"	106 12
" 10,	"	"	"	"	Clarke,	"	130 00
Total,							$1,999 50

STATEMENT "B."

Showing the amount of Warrants, and upon whom drawn, during the last fiscal year.

1856.			
December 21.	R. M. Walker, traveling expenses on business connected with Territorial arms,		$6 00
1857.			
January 1.	Jos. S. Smith, his services as prosecuting attorney 3d judicial district, from 1st July to Dec. 31st, 1856,		100 00
" "	B. F. Kendall, his services as prosecuting attorney 2d judicial district, from July 1st to Dec. 31st, 1856,		100 00
" 27.	R. M. Walker, auditor, half year's salary,		$75 00
" "	Wm. Cock, rent of office for Territorial treasurer from Oct. 1st to Dec. 31st, 1856,		30 00
"	James C. Strong, his services as prosecuting attorney 1st judicial district, in part payment for the year ending Dec. 31st, 1856,		100 00
"	James C. Strong, his services as prosecuting attorney in part payment for the year ending Dec. 31st, 1856.		50 00
"	James C. Strong, in part payment of his services as prosecuting attorney 1st judicial district, for the year ending Dec. 31st, 1856,		40 00
"	James C. Strong, in part payment for his services as prosecuting attorney 1st judicial district, for the year ending Dec. 31st, 1856,		10 00
November 2.	Henry R. Crosbie, salary as auditor,		25 00
			$536 00

STATEMENT "C."

Amount of Territorial Tax for the year 1857.

Clarke county,	$324 64
Chehalis,	18 73

Clalm,	17 45
Cowlitz,	106 02
Island,	111 73
Jefferson,	62 20
King,	62 28
Kitsap,	173 47
Lewis,	193 00
Pacific, (no returns.)	
Pierce,	745 49
Sawamish,	9 22
Skamania, (no returns.)	
Thurston,	544 54
Wahkiakum,	18 45
Walla Walla, (no returns.)	
Whatcom,	41 98
	$2,332 20

Number of Persons Taxed in each County.

Clarke county,	340
Chehalis,	43
Clalm,	48
Cowlitz,	110
Island,	99
Jefferson,	107
King,	89
Kitsap,	149
Lewis,	143
Pacific, (no returns.)	
Pierce,	209
Sawamish,	30
Skamania, (no returns.)	
Thurston,	397
Wahkiakum,	17
Walla Walla, (no returns.)	
Whatcom,	86
	1817

The following statement shows the amount of taxable property in the different counties. With the exception of one county, no information has been forwarded to this office on the assessment rolls as to the quantity of land under cultivation, and the enumeration of stock :

Clarke county, valuation of improvements on land, personal property, &c.,		$324,639 00
Chehalis county, improvements on land, personal property, &c.,		18,730 00
Clalm county, improvements on land, personal property, &c.,		17,445 00
Cowlitz county, improvements on land, personal property, &c.,		106,018 00
Island county, improvements on land, personal property, &c.,		111,730 00
Jefferson county, improvements on land, personal property, &c.,		62,195 00
King county, improvements on land, personal property, &c.,		62,275 50
Kitsap county, improvements on land, personal property, &c.,		173,470 00
Lewis county, improvements on land, personal property, &c.,		193,007 00
Pacific county, improvements on land, personal property, &c., (no returns.)		
Pierce county, improvements on land, personal property, &c.,		745,492 00
Sawamish county, improvements on land, personal property, &c.,		9,222 000
Skamania county, (no returns.)		
Thurston county, improvements on land claims,	$102,670	
Personal property,	360,817	
Town property,	81,055	
Total,		544,542 00
Number of horses,	608	
" " mules,	24	
" " neat cattle,	3073	
" " sheep,	1922	
" " hogs,	1160	
Amount of stock,	6787	
Acres of land under wheat,	1737½	
" " oats,	1219	
" " rye,	86	

Acres of land in peas,	74	
" " " potatoes,	123	
" " " fence,	10,226	
Wahkiakum county, improvements on land, personal property, &c.,		18,450 00
Walla Walla, (no returns,)		
Whatcom county, Improvements on land, personal property, &c.,	$26,175	
" " coal mine,	15,800	
		41,975 00
Total amount,		$2,329,188 50

Valuation of Lumber Mills and Machinery.

Whatcom county,	$4,000 00
Jefferson,	10,825 00
Kitsap,	145,480 00
King,	8,000 00
Island,	5,000 00
Pierce,	25,000 00
Thurston,	19,643 00
Sawamish,	6,000 00
Lewis,	3,225 00
Cowlitz,	16,800 00
Chehalis,	1,500 00
Clarke,	16,000 00
Skamania, (no assessment roll.)	
Pacific, " " "	
Walla Walla, " "	
	$261,473 00

Pierce county,	$10,000 00
Thurston,	6,033 00
Lewis,	3,225 00
Chehalis,	2,000 00
Clarke,	8,000 00
	$19,258 00

Taxable property belonging to the Hudson's Bay and Puget Sound Agricultural Companies, as returned by the assessment rolls of Clarke, Cowlitz, Lewis and Pierce counties:

Clarke county, Hudson's Bay Company,	$58,720 00
Cowlitz county, Hudson's Bay Company,	1,300 00
Lewis county, Puget Sound Agricultural Company,	17,512 00
Pierce county, Hudson's Bay Company,	7,100 00
" " Puget Sound Agricultural Company,	548,330 00

RECAPITULATION.

Hudson's Bay Company,	$67,120 00
Puget Sound Agricultural Company,	565,842 00

On motion of Mr. Meeker,

The report was laid on the table, and 500 copies ordered to be printed.

H. B. No. 32—An act to re-locate the Territorial University. Read second time; and,

On motion of Mr. Phillips,

Was referred to committee on Education.

H. B. No. 33—An act to repeal an act entitled, "an act to amend an act entitled, 'an act to regulate marriage, passed April 20th, 1854.'"

Read a second time; and,

On motion of Mr. Anderson,

Referred to committee on Judiciary.

H. J. R. No. 10—Relative to making Vancouver a port of delivery. Read a second time; and,

On motion of Mr. Kelly,

Rules suspended, and resolution considered engrossed and read a third time and adopted.

C. M. No. 1—Relative to the creation of the office of superintendent of Indian affairs for Washington Territory,

Was read a third time and passed.

On motion of Mr. Taylor,

The vote by which C. M. No. 1 was passed, was reconsidered.

On motion of Mr. Taylor,

The vote by which C. M. No. 1 was read a third time, was re-considered.

On motion of Mr. Phillips,

The vote by which the memorial was amended by striking out all between the word "agents," of the fifth line of the 7th paragraph, was reconsidered.

The question then being on the adoption of the amendment, it was lost.

On motion of Mr. Shaw,

C. M. No. 1—Relative to the creation of the office of Superintendent of Indian affairs of Washington Territory,

Was read a third time and passed.

On motion of Mr. Balch,

The Clerk was instructed to forthwith report the passage of said memorial to the Council.

Petition of citizens of Chehalis county was taken up; and,

On motion of Mr. Bullard,

Referred to committee on Counties.

H. B. No. 23—An act declaring so much of the military road leading from Steilacoom to Vancouver as lies within the limits of Lewis county, a territorial road,

Which had been reported back from the committee on Roads and Highways, was taken up; and,

On motion of Mr. Anderson,

Laid on the table.

C. J. R. No. 2—Relative to citizens and settlers in Walla Walla county being driven from their slaims and houses by the military authority of W. T.

Read a first time and ordered to a second reading.

On motion of Mr. Guthrie,

H. B. No. 26—An act to amend an act entitled, "an act relating to common schools in the Territory of Washington,"

Was taken from the table; and,

Read second time; and,

On motion of Mr. Kelly,

Was laid on the table and made the special order of the day for the 16th day of January 1858.

On motion of Mr. Shaw,

H. B. No. 29—An act supplemental and amendatory to an act entitled, "an act to organize the militia,"

Was taken from the table and ordered to a second reading.

On motion of Mr. Bullard,

The petition and remonstrance from citizens of Pacific and Chehalis counties relative to merging the two counties into one county,

Was taken from the table, and referred to the committee on counties.

On motion of Mr. Irby,

H. B. No. 29 was read a second time now.

On motion of Mr. Stillman,

Referred to committee on Military Affairs.

On motion of Mr. Irby,

H. B. No. 22—An act concerning the partition of lands.

Was taken from the table by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bullard, Crockett, Curtis, Fletcher, Glas-

gow, Irby, Jackson, Hutchinson, Miller, Moore, Morrow, Peabody, Shaw, Stillman, Taylor, and Mr. Speaker—18.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Guthrie, Hinckley, Kellogg, Kelly, Meeker, Phillips, Seavy and Wilson—10.

Mr. Irby moved that now be assigned as the time for the second reading of the bill.

Mr. Kelly moved to indefinitely postpone.

Which latter motion the Chair ruled out of order.

Mr. Balch moved to reject the bill.

Which motion was lost.

Mr. Kelly moved to lay the bill on the table.

Which motion was lost.

The question then being upon the motion to order to a second reading, it was carried.

On motion of Mr. Irby,

The bill was referred to the committee on the Judiciary.

On motion of Mr. Irby,

H. B. No. 19—An act to confer civil jurisdiction upon probate courts and regulate the practice therein,

Was taken from the table.

Mr. Morrow moved that now be assigned as the time for its third reading.

On motion of Mr. Stillman,

Amended by striking out the words "in the District court," in the first line of section 2, and inserting the words "before justices of the peace."

The bill was then read a third time, passed, and its title agreed to.

On motion of Mr. Wilson,

H. B. No. 20—An act to define the southern boundary line of Kitsap county.

Was taken from the table; and,

On motion of Mr. Hinckley,

The bill was considered engrossed, and read a third time, passed, and its title agreed to.

On motion of Mr. Wilson,

The Clerk was instructed to forthwith report the passage of the bill and all other unfinished business to the Council.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the Council have passed

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,

H. B. No. 10—An act appropriating money from the Territorial treasury to pay for certain printing,

Was taken up.

Mr. Shaw moved that the bill be considered engrossed, and now assigned as the time for its third reading.

Mr. Meeker moved to lay the bill on the table, and request the committee on Claims to furnish the House with copies of the muster rolls that were printed.

Which motion was lost.

Mr. Anderson moved to re-commit the bill to the committee on Claims with instructions to furnish the House with copies of the muster rolls printed.

Which motion was lost.

Mr. Kelly moved that the bill be indefinitely postponed.

Upon this motion the yeas and nays were demanded, which were as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Kellogg, Kelly, Meeker and Moore—8.

Those voting in the negative, were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Miller, Morrow, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—20.

So the motion was lost.

Mr. Balch moved to amend the bill by striking out all after the words "Wiley & Furste," and insert the words "Brig. Gen. Geo. Gibbs."

Which motion was lost.

Mr. Curtis called for the previous question, and the call being seconded by the requisite number, the previous question was ordered.

The question then recurring on ordering the bill to be engrossed and read a third time,

It was decided in the affirmative.

The question being upon the final passage of the bill, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative, were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—21.

Those voting in the negative were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Kellogg, Kelly and Meeker—7.

So the bill was passed and its title agreed to.

H. B. No. 31—An act dissolving the bonds of matrimony existing between Julia A. Lendingham and A. L. Lendingham,

Was taken up.

Mr. Meeker moved that the House go into committee of the whole with Mr. Curtis in the chair, to take under consideration

H. B. No. 31—An act dissolving the bonds of matrimony existing between Julia Ann Lendingham and A. L. Lendingham.

Which motion prevailed.

The House resolved itself into committee of the whole, with Mr. Curtis in the chair.

After some time spent in committee of the whole, the committee rose, and submitted the following report through their chairman.

Mr. Speaker:—The committee of the whole House have had H. B. No. 31 under consideration, and have instructed me to report progress and ask to be discharged from further consideration of the subject.

Committee discharged.

On motion of Mr. Wilson,

The House adjourned.

MONDAY, JANUARY 11th, 1858.

House met pursuant to adjournment.

Absent—Messrs. Shaw and Smith.

Journal of Saturday read and approved.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

H. M. No. 7—Praying for a military road from the military post at Port Townsend to intersect the military road from Fort Steilacoom to Fort Vancouver,

H. M. No. 8—Relative to the extension of the donation law, granting settlers donations of the public lands in Washington Territory,

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

Have had the same under consideration and instructed me to report the same back without amendment and recommend their passage.

R. V. PEABODY,
Chairman.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills to whom was referred

H. B. No. 1—An act for the erection of the public buildings at the seat of government of Washington Territory,

H. B. No. 5—An act to amend an act entitled, "an act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the penitentiary of the Territory of Washington,'"

Have examined the same and report them correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Anderson, from the committee on Judiciary, reported the petition of Chas J. Bird, praying for a divorce, by bill.

Mr. Jackson, from the committee on Counties, submitted the following report:

The committee to whom was referred

H. B. No. 8—An act to alter the boundary of Whatcom county,

Have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

HENRY JACKSON,
Chairman.

Mr. Curtis introduced

H. B. No. 34—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace."

Read first time, and ordered to second reading.

Mr. Guthrie introduced

H. B. No. 35—An act to amend an act entitled, "an act relating to roads and highways," passed January 28th, 1857.

Read first time and ordered to a second reading.

Mr. Balch introduced

H. B. No. 36—An act providing for the registry of births, marriages and deaths.

Read first time and ordered to a second reading.

Mr. Crockett introduced

H. M. No. 15—Praying the amendment of the pre-emption law, as regards pre-empting in Washington Territory.

Read a first time and ordered to a second reading.

Mr. Balch introduced

H. B. No. 37—An act to abolish capital punishment, and to provide for the more effectual punishment of the crime of murder.

Read a first time and ordered to a second reading.

Mr. Wilson in the chair.

Mr. Taylor moved to re-consider the vote by which H. B. No. 26, was laid on the table and made the order of the day for the 16th day of January.

Mr. Speaker in the chair.

The yeas and nays being demanded upon the motion to re-consider, the result was as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Phillips, Seavy, Shaw, Stillman, Taylor and Mr. Speaker—20.

Those voting in the negative were—

Messrs.—Balch, Bradshaw, Hinckley, Kellogg, Meeker, Moore, Peabody and Wilson—8.

So the motion to re-consider was carried.

On motion of Mr. Kelly,

H. B. No. 26 was referred to a select committee of five.

The Chair announced Messrs. Kelly, Guthrie, Seavy, Peabody and Moore as said committee.

C. B. No. 3—Relative to appropriating money from the Territorial treasury to pay Jas. McDonald and others for the arrest of Patrick Reagan.

Read a first time; and,

On motion of Mr. Balch,

Referred to the committee on Claims.

Substitute for H. J. R. No. 2—Relative to appointing a commission to compile, revise, and codify the laws of Washington Territory.

Read second time; and,

On motion of Mr. Balch,

Referred to committee on Judiciary.

C. J. R. No. 2—Relative to the citizens and settlers in Walla Walla county being driven from their claims and houses by the military authority of Washington Territory.

Read second time.

Mr. Balch moved to amend the third resolve so as to read "that we believe the above usurpation to be the very worst form of martial law, never proclaimed except by tyrants, not having feeling in common with the people, nor interests identified with theirs."

On motion of Mr. Morrow,

The resolution, with pending amendments, was referred to the committee on Military Affairs.

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

Which had been reported back from the committee on Memorials, was,

On motion of Mr. Guthrie,

Laid on the table and ordered to be printed.

H. M. No. 7—Praying for a military road from the military post at Port Townsend to intersect the military road from Fort Steilacoom to Fort Vancouver,

Which had been reported back from the committee on Memorials, was,

On motion of Mr. Bradshaw,

Laid on the table and ordered to be printed.

H. B. No. 3—An act to dissolve the bonds of matrimony existing between Chas. J. Bird and Whe-losh-ban Em-tuts Bird,

Read first time and ordered to a second reading.

H. B. No. 8—An act to alter the boundary of Whatcom county,

Which had been reported back from the committee on Counties with amendments, was,

On motion of Mr. Hinckley,

Amended by striking out section 3.

On motion of Mr. Hinckley.

The bill was considered engrossed and read a third time, passed and title agreed to.

C. J. R. No. 3—Relative to the proclamation of martial law over the counties of Pierce and Thurston, by Isaac I. Steveas, late Governor of Washington Territory.

Was read first time and ordered to a second reading.

Mr. Meeker moved that the House adjourn.

Which motion was lost.

Mr. Speaker gave notice that he was now about to sign

H. B. No. 1—An act to provide for the erection of the public buildings at the seat of government of Washington Territory; also,

H. B. No. 5—An act to amend an act entitled, an "act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the Penitentiary of Washington Territory,'"

On motion of Mr. Baker,

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,

Was taken from the table.

Mr. Balch moved to refer to committee on the Judiciary.

Which motion was lost.

Mr. Kelly moved to amend by striking out in the first line after the word "Washington," the words "entire population of the Territory;"

Which motion was lost.

Mr. Balch moved that the House resolve itself into committee of the whole, with Mr. Shaw in the chair, to take under consideration

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory.

Which motion prevailed.

House resolved itself into committee of the whole with Mr. Shaw in the chair.

After some time spent in committee of the whole, the committee arose and submitted the following report:

Mr. SPEAKER:—The committee of the whole House having had under consideration H. M. No. 3, have arisen, and instructed me to report the same back to the House and recommend the following amendment—insert after the 11th line, the words "and all other treaties made with Indian tribes of this territory east of the Cascade Mountains," and ask to be discharged from the further consideration of the subject.

B. F. SHAW,
Chairman.

Mr. Balch moved that the House adjourn.

Which motion was lost.

Mr. Balch moved to lay the report of the committee on the table.

Which motion was lost.

Mr. Balch moved that the House adjourn.

Which motion was lost.

Mr. Irby moved to adopt the report of the committee.

Which motion was lost.

Mr. Balch moved to indefinitely postpone H. M. No. 3.

On motion of Mr. Shaw,

A call of the House was made.

Absent—Messrs. Miller and Smith.

On motion of Mr. Balch,

The Sergeant-at-Arms was despatched for absent members.

On motion of Mr. Irby,

A further call of the House was dispensed with.

Mr. Balch moved that the House adjourn.

Which motion was lost.

The question being upon the motion to indefinitely postpone, the yeas and nays were demanded, which were as follows:

Those voting in the affirmative, were—

Messrs. Balch, Bradshaw, Crockett, Hinckley, Kellogg, Kelly, Meeker, Moore, Stillman and Taylor—10.

Those voting in the negative, were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Morrow, Peabody, Phillips, Seavy, Shaw, Wilson and Mr. Speaker—17.

So the motion was lost.

Mr. Meeker moved that the House adjourn.

Which motion was lost.

Mr. Balch moved to lay the memorial on the table and make the order of the day for the 20th day of this month.

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative, were—

Messrs. Balch, Bradshaw, Crockett, Hinckley, Kellogg, Kelly, Meeker, Moore, Phillips and Wilson—10.

Those voting in the negative were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Morrow, Peabody, Seavy, Shaw, Stillman, Taylor and Mr. Speaker—17.

So the motion was lost.

Mr. Hinckley moved that the House adjourn.

Which motion was lost.

Mr. Fletcher called for the previous question, and the call being seconded by the requisite number, the previous question was ordered by yeas and nays as follows:

Those voting in the affirmative were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Phillips, Shaw, Taylor and Mr. Speaker—16.

Those voting in the negative were—

Messrs.—Anderson, Balch, Bradshaw, Crockett, Hinckley, Kellogg, Kelly, Meeker, Moore, Seavy, Stillman and Wilson—12.

So the motion prevailed.

The question being upon the amendment of the committee, the yeas and nays were ordered, and resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bullard, Curtis, Fletcher, Guthrie, Irby, Jackson, Hutchinson, Meeker, Morrow, Shaw and Taylor—13.

Those voting in the negative were—

Messrs. Anderson, Bradshaw, Crockett, Glasgow, Hinckley, Kellogg, Kelly, Miller, Moore, Peabody, Phillips, Seavy, Stillman, Wilson and Mr. Speaker—15.

So the amendment was lost.

The question then recurring on ordering the memorial to be engrossed and read a third time, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Phillips, Seavy, Shaw, Taylor and Mr. Speaker—18.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Crockett, Hinckley, Kellogg, Kelly, Meeker, Moore, Stillman and Wilson—10.

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,

Was ordered to be engrossed and read a third time.

Mr. Balch moved that the House adjourn.

Which motion was lost.

On motion of Mr. Anderson,

H. B. No. 24—An act to establish a board of Pilot Commissioners for Columbia river,

Was taken from the table.

Mr. Balch moved to lay on the table and make the order of the day for the 20th day of January.

Which motion was lost.

Mr. Meeker moved to strike out section 10.

Which motion was lost.

Mr. Crockett moved to amend by inserting in section 3, in the third line after the word "duties," the words "and pay a license, the amount of which shall be fixed by the board of commissioners," and in section 9, in third line, strike out all after the second word, and insert the words "moneys accruing from the licenses granted to the pilots by the board of commissioners."

Mr. Stillman moved to amend the amendment by inserting in section 3, after the word "license," the words "to this Territory."

Mr. Meeker moved to re-commit the bill with pending amendments to the committee on Commerce.

Which motion was lost.

Mr. Balch moved to strike out the name of Wm. Strong, and insert the name of A. S. Abernethy.

Mr. Meeker in the chair.

The question being upon the amendment to the amendment it was lost.

The question then recurring upon the original amendment, it was lost.

Mr. Moore moved to strike out in section 10, all after the word "out," and insert the words "to be paid by applicants to be pilots."

On motion of Mr. Hinckley,

The amendment was laid on the table.

Mr. Kelly moved to strike out section 11.

Which motion was lost.

On motion of Mr. Van Cleave,

The bill was considered engrossed and to-morrow assigned as the time for its third reading.

On motion of Mr. Jackson,

The House adjourned.

TUESDAY, JANUARY 12th, 1858.

House met pursuant to adjournment.

Absent—Messrs. Glasgow and Smith.

Journal of Monday read and approved.

Mr. Anderson, from the committee on Judiciary, submitted the following report:

The committee on Judiciary have had under consideration
H. B. No. 33—An act to repeal an act entitled, "an act to amend an act entitled, 'an act to regulate marriage, passed April 20th, 1854.'"
And recommend its indefinite postponement.
The committee have also had under consideration
H. B. No. 21—An act authorizing the county commissioners to put the convicts of the county jail to labor,
And have instructed me to report the same back to the House and ask to be discharged from the further consideration of the subject.

J. W. ANDERSON,
Chairman.

Mr. Wilson in the chair.

Mr. Kelly, from the committee on Education, submitted the following report:

A majority of the committee on Education to whom was referred
H. B. No. 32—An act to re-locate the Territorial University,
Have had the same under consideration, and have instructed me to report the same back to the House, and ask to be discharged from the further consideration of the same.

WM. KELLY,
Chairman.

Mr. Kelly, from select committee, submitted the following report:

The select committee to whom was referred
H. B. No. 26—An act to amend an act entitled, "an act relating to common schools in the Territory of Washington,"
Have instructed me to report the same back to the House with amendments and recommend its passage.

WM. KELLY,
Chairman.

Mr. Balch gave notice that on to-morrow he would introduce a resolution to change the rules of the House.

Mr. Seavy introduced

H.B. No. 16—Relative to holding district courts in each county in Washington Territory.

Read a second time; and,

On motion of Mr. Hinckley,

Rules suspended and memorial read a second time now.

On motion of Mr. Balch,

Referred to the committee on Judiciary.

Mr. Van Cleave introduced

H. B. No. 39—An act creating the office and defining the duties of harbor-master of the harbor of Oysterville.

Read a first time; and,

On motion of Mr. Shaw,

Rules suspended and the bill read a second time now.

On motion of Mr. Van Cleave,

Referred to the committee on Commerce.

Mr. Meeker introduced

H. B. No. 40—Relative to prosecuting attorneys.

Read first time and ordered to a second reading.

Message from the Council by their Clerk—

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

H. J. R. No. 10—Relative to making Vancouver a port of delivery.

Mr. Jackson introduced

H. B. No. 41—An act to amend an act entitled, "an act relating to elections and the mode of supplying vacancies."

Read a first time and ordered to a second reading.

Mr. Speaker in the chair.

Mr. Miller moved to re-consider the vote by which H. M. No. 3 was ordered to a third reading.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—22.

Those voting in the negative were—

Messrs. Balch, Crocket, Hinckley, Kellogg, Meeker and Moore—6.

So the motion to re-consider was adopted.

Mr. Kelly moved to amend by striking out the word "alone," in the 71st line, and insert the words "and the Indian agents of this Territory."

On motion of Mr. Shaw,

Memorial, with pending amendments, was re-committed to the committee on Memorials.

Mr. Miller introduced

H. J. R. No. 11—Praying for an appropriation or donation of land for the establishment of a lunatic asylum in Washington Territory.

Read a first time and ordered to a second reading.

Mr. Seavy, by leave, introduced

H. J. R. No. 12—Relative to the establishment of a marine hospital in Washington Territory.

Read a first time and ordered to a second reading.

Mr. Miller, by leave presented

A petition from Albert Eggers and others, praying for the incorporation of the Olympia Musical Association.

Mr. Fletcher, by leave, introduced

H. M. No. 17—To the Secretary of the Treasury of the United States.

Read first time, and ordered to second reading.

Mr. Fletcher gave notice that on some future day he would introduce a bill to organize the county of Stevens.

H. B. No. 34—An act to amend an act entitled, "an act relating

to justices of the peace and constables, and the practice before justices of the peace."

Read second time; and,

On motion of Mr. Kelly,

Laid on the table and ordered to be printed.

H. B. No. 35—An act to amend an act entitled, "an act relating to roads and highways," passed January 28th, 1857.

Read a second time; and,

Mr. Guthrie moved to lay on the table and ordered to be printed.

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative, were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Miller, Moore, Morrow, Peabody, Seavy, Shaw and Taylor—14.

Those voting in the negative were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Phillips, Stillman, Wilson and Mr. Speaker—14.

So the motion was lost.

On motion of Mr. Balch,

The bill was referred to committee on Roads and Highways.

H. B. No. 36—An act providing for the registry of births, marriages and deaths.

Read first time; and,

On motion of Mr. Balch,

Laid on the table and ordered to be printed.

H. B. No. 37—An act to abolish capital punishment, and to provide for the more effectual punishment of the crime of murder,

Was read a second time; and,

On motion of Mr. Balch,

Was referred to committee on the Judiciary.

H. B. No. 38—An act to dissolve the bonds of matrimony existing between Charles J. Bird and Whe-losh-ban Em-tuts Bird.

Read a second time; and,

Br. Balch moved to indefinitely postpone.

The question being upon the motion to indefinitely postpone, the yeas and nays were demanded, which were as follows:

Those voting in the affirmative, were—

Messrs. Baker, Balch, Bullard, Crockett, Glasgow, Hinckley, Kellogg, Moore, Phillips, Stillman and Mr. Speaker—11.

Those voting in the negative, were—

Messrs. Anderson, Bradshaw, Curtis, Fletcher, Guthrie, Irby, Jackson, Hutchinson, Kelly, Meeker, Miller, Morrow, Peabody, Seavy, Shaw, Taylor and Wilson—17.

So the motion was lost.

Mr. Shaw moved to refer the bill to the committee on Indian Affairs.

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Balch, Bullard, Crockett, Curtis, Fletcher, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Peabody, Seavy and Shaw—14.

Those voting in the negative were—

Messrs.—Anderson, Baker, Bradshaw, Glasgow, Kelly, Meeker, Miller, Moore, Morrow, Phillips, Stillman, Taylor, Wilson and Mr. Speaker—14.

So the motion was lost.

Mr. Meeker moved to suspend the rules, consider the bill engrossed, and read a third time now.

Which motion was lost.

Mr. Kelly moved that the bill be considered engrossed, and to-morrow assigned as the time for its third reading.

The question then recurring on ordering the bill to be engrossed and read a third time, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Bradshaw, Crockett, Curtis, Fletcher, Irby, Kelly, Meeker, Morrow, Peabody, Seavy, Shaw, Taylor and Wilson—14.

Those voting in the negative were—

Messrs. Baker, Balch, Bullard, Glasgow, Guthrie, Jackson, Hinckley, Hutchinson, Kellogg, Miller, Moore, Phillips, Stillman and Mr. Speaker—14.

So the motion was lost.

The question being upon ordering the bill to be engrossed and read a third time, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Bradshaw, Crockett, Curtis, Fletcher, Guthrie, Irby, Jackson, Kelly, Meeker, Miller, Morow, Peabody, Seavy, Shaw and Taylor—16.

Those voting in the negative were—

Messrs. Baker, Balch, Bullard, Glasgow, Hinckley, Hutchinson, Kellogg, Moore, Phillips, Stillman, Wilson and Mr. Speaker—12.

So the bill was ordered to be engrossed and read a third time.

H. M. No. 15—Praying the amendment of the pre-emption law, as regards pre-empting in Washington Territory.

Read a second time; and,

On motion of Mr. Meeker,

Referred to committee on Memorials.

C. J. R. No. 3—Relative to the proclamation of martial law over the counties of Pierce and Thurston, by Isaac I. Steveas, late Governor of Washington Territory.

Read a second time.

Mr. Morrow moved to refer the resolution to the committee on Military Affairs.

Mr. Meeker moved to amend the motion by instructing the committee to incorporate C. J. R. No. 2, and No. 3, into one resolution.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Bradshaw, Crocket, Hinckley, Kellogg, Meeker, Moore and Wilson—7.

Those voting in the negative were—

Messrs. Anderson, Baker, Balch, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Peabody, Phillips, Shaw, Stillman, Taylor and Mr. Speaker—20.

So the motion was lost.

The question then being on the motion to refer;
It was decided in the affirmative.

H. B. No. 24—An act to establish a board of Pilot Commissioners for Columbia river,

Read a third time, passed and title agreed to.

H. B. No. 26—An act to amend an act entitled, "an act relating to common schools in the Territory of Washington,"

Which had been reported back from the select committee, was taken up,

On motion of Mr. Guthrie,

The first amendment of the committee to strike out all after the word "business," in the third line of section 1 was adopted.

On motion of Mr. Balch,

The bill was referred to the committee of the whole House.

The House resolved itself into committee of the whole, with Mr. Balch in the chair.

After some time spent in committee of the whole, the committee rose, and through their chairman, reported progress and asked leave to sit again.

On motion of Mr. Meeker,

The report was adopted.

On motion of Mr. Kelly,

The House adjourned.

WEDNESDAY, JANUARY 13, 1858.

House met pursuant to adjournment.

Absent—Mr. Miller.

Journal of Tuesday read and approved.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

H. M. No. 14—Praying for military post at New Dunginess, and military road from New Dunginess to Port Townsend.

Have had the same under consideration and instructed me to report the same back without amendment and recommend its passage.

They have also instructed me to report a memorial praying for an appropriation to re-locate a portion of the military road from Fort Steilacoom to the Walla Walla valley.

And recommend its passage.

R. V. PEABODY,
Chairman.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined

H. J. R. No. 10—Relative to making Vanconver a port of delivery,

And report it correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Bullard, from the committee on Claims, submitted the following report:

The committee on Claims to whom was referred

C. B. No. 3—Relative to appropriating money from the Territorial treasury to pay Jas. McDonald and others for the arrest of Patrick Reagan,

Have instructed me to report the same back to the House with amendments and recommend its passage.

J. BULLARD,
Chairman.

Mr. Shaw, from the committee on Military Affairs, submitted the following report:

The committee on Military Affairs to whom was referred

H. B. No. 29—An act supplemental and amendatory to an act entitled, "an act to organize the militia,"

Have had the same under consideration, and report the same back and recommend its passage.

They have also had under consideration

C. J. R. No. 3, and a majority of the committee have instructed me to report it back to the House and recommend its passage.

They have also had under consideration

H. M. No. 9—Relative to the payment of the war debt,

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

Have instructed me to report the same back to the House and ask to be discharged from the further consideration of the subject.

B. F. SHAW,
Chairman.

Mr. Wilson, from the committee on Commerce, submitted the following report:

The committee on Commerce have had under consideration

H. B. No. 39—An act creating the office and defining the duties of harbor-master of the harbor of Oysterville,

And have instructed me to report the same back without amendment, and recommend its passage.

H. C. WILSON,
Chairman.

Mr. Balch offered the following resolution relative to altering the rules and orders of the House:

Resolved, That when a motion to lie on the table is decided in the affirmative, the principal motion subsidary and incidental connected with it, is removed from before the House until it is again taken up, which it may be by motion and vote on any subsequent day. Any rules and orders inconsistent with the foregoing are hereby rescinded.

Mr. Hinckley moved to adopt the resolution.

House refused to adopt.

Mr. Irby introduced

H. M. No. 18—Relative to military road from Steilacoom to Vancouver.

Read first time and ordered to a second reading.

Mr. Kelly gave notice that on some future day he would submit a minority report in relation to C. J. R. No. 3.

Mr. Meeker introduced

H. B. No. 42—An act relative to registry.

Read a first time and ordered to a second reading.

Mr. Balch introduced

H. B. No. 43—An act to amend an act entitled, "an act to exempt certain property from attachment and execution."

Read first time and ordered to a second reading.

Mr. Anderson introduced

H. J. R. No. 13—Relative to employing an enrolling Clerk.

Read a first time; and,

On motion of Mr. Hinckley,

Rules suspended and the resolution read a second time now.

On motion of Mr. Guthrie,

Rules suspended, and resolution considered engrossed and read a third time and adopted.

On motion of Mr. Smith,

The Clerk was instructed to forthwith report the adoption of the resolution to the Council.

Mr. Smith introduced

H. B. No. 44—An act to secure to orphans and certain other children, a common school education.

Read a first time and ordered to a second reading.

Mr. Shaw introduced

H. B. No. 45—An act to create and organize the county of Spokane.

Read a first time; and,

On motion of Mr. Hinckley,

The rules were suspended and the bill read a second time now.

On motion of Mr. Wilson,

Was referred to the committee on counties.

Mr. Glasgow introduced

H. B. No. 46—An act for the protection of school land, and repeal all acts and parts of acts relative to common schools.

Read first time and ordered to a second reading.

Mr. Meeker moved that the House now proceed to the orders of the day.

Which motion prevailed.

Mr. Meeker moved that the House resolve itself into committee of the whole for the further consideration of H. B. No. 26.

Mr. Kelly rose to a point of order, and enquired if the House proceed to the orders of the day, before business that had precedence, according to rule 29, had been dispatched.

The Chair decided that the House could at any time proceed to the orders of the day by their adoption of a motion to that effect.

Mr. Kelly appealed from the decision of the Chair, and referred the House to rule 30.

The question being upon sustaining the decision of the Chair, the yeas and nays were ordered, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Meeker, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor and Wilson—26.

Those voting in the negative, were—

Mr. Kelly.

So the decision of the Chair was sustained.

The House then resolved itself into committee of the whole House, with Mr. Balch in the chair.

After some time spent in committee of the whole, the committee arose and reported the bill back with amendments and asked to be discharged from the further consideration of the subject.

On motion of Mr. Kelly,

Report of committee received and committee discharged.

On motion of Mr. Irby,

The bill, with pending amendments, was laid on the table and ordered to be printed.

On motion of Mr. Curtis,

H. B. No. 31—An act dissolving the bonds of matrimony existing between Julia A. Lendingham and A. L. Lendingham,

Was taken up.

Mr. Irby moved that the bill be considered engrossed and now be assigned as the time for its third reading.

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Anderson, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Miller, Moore, Morrow, Peabody, Seavy, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—22.

Those voting in the negative were—

Messrs. Baker, Balch, Hinckley, Kelly, Meeker and Phillips—6.

So the motion prevailed.

The bill was then read a third time.

The question being upon the final passage of the bill, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Miller, Morrow, Peabody, Seavy, Smith, Taylor, Wilson and Mr. Speaker—20.

Those voting in the negative, were—

Messrs. Baker, Balch, Hinckley, Kelly, Meeker, Moore, Phillips and Stillman—8.

So the bill was passed and its title agreed to.

On motion of Mr. Meeker,

The House adjourned.

THURSDAY, JANUARY 14th, 1858.

House met pursuant to adjournment.

Absent—Messrs. Glasgow and Miller.

Journal of Wednesday read and approved.

Mr. Wilson, from the committee on Commerce, submitted the following report:

The committee on Commerce have had under consideration

A petition signed by A. S. Abernethy and others praying for a law "to prevent the obstruction of navigable waters," have instructed me to report that no further action be taken upon it; the object to be effected by the petition is found embodied in the statutes of Washington Territory, chapter 6, section 104, page 94, entitled, "offences against public policy."

H. C. WILSON,
Chairman.

Mr. Crockett, from the committee on Roads and Highways, submitted the following report:

The committee on Roads and Highways have instructed me to report back without amendment

H. B. No. 35—An act to amend an act entitled, "an act relating to roads and highways," passed January 28th, 1857.

A majority of the committee have also instructed me to report back without amendment and recommend the passage of

H. B. No. 30—An act authorizing William H. Cooper to establish a ferry.

S. B. CROCKETT,
Chairman.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

H. M. No. 15—Praying the amendment of the pre-emption law, as regards pre-empting in Washington Territory,

Have instructed me to report the same back to the House without amendment and recommend its passage.

They have also had under consideration

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,

And have instructed me to report the same back with the recommendation that it be indefinitely postponed, and recommend the accompanying substitute for consideration.

R. V. PEABODY,
Chairman.

Mr. Kelly, from the committee on Military Affairs, submitted the following minority report:

The undersigned, minority of the committee on Military Affairs, to whom was referred C. J. R. No. 3—Relative to the proclamation and enforcement of martial law over the counties of Pierce and Thurston, dissent from the majority of the committee who have recommended the passage of the resolution. The following reasons are the prominent ones, among others, for our non-concurrence with the majority of the committee, which we beg leave respectfully to submit:

First. We do not believe, as set forth in the preamble of the resolution, that the condemnation of the course of Gov. Stevens in the reso lution passed at the last session, was unmerited. Gov. Stevens, of his own free will and accord, called the attention of a Democratic Legislature to the matter by the following words: "I leave this matter of martial law in your hands, fellow-citizens, and invite your most rigid scrutiny into the necessity of proclaiming it, and the means taken to enforce it." The conclusion is irresistible that the Governor was willing to rest his case in the hands of a body of his own partizans, and ordinary respect, if nothing more, induces us to believe that that body gave the matter a serious and fair investigation, and we are not prepared, after the lapse of a year, and a careful review of the whole matter, to impute to that body the perpetration of a wrong, or injustice upon any person, much less upon a Governor of their own party.

Second. In regard to the motives of Gov. Stevens in proclaiming and enforcing Martial Law, the undersigned are willing to accede to him that he acted with motives of patriotism, without being in possession of any means of knowing by what motives he really was actuated, but we can find no paliation in that for such a high-handed measure.

Third. We cannot adopt the language or sentiment of the resolution under consideration, contained in the second resolve—"That the state of the country demanded that stringent measures should be adopted," "and such as could be effected by Martial Law only, and that there was

absolute necessity for the same," because it is not in accordance with the history of the facts in the case.

Fourth. Entertaining the views of President Pierce, as conveyed in Secretary Marcy's letter, dated Sept. 12, 1856, "that nothing but direful necessity, involving the probable overthrow of the civil government, could be alleged as any sort of excuse for superceding that government temporarily, and substituting in its place an arbitrary military rule, and "that it *can never be excusable* when the object in resorting to Martial Law was to act (as in the case under consideration) against the existing government of the country, or to supercede its functionaries in the discharge of their proper duties." We cannot endorse the spirit and tenor of the resolution.

Fifth. We do not believe that the election of Gov. Stevens, delegate to Congress, proves, (as set forth in the resolution under consideration) that two-thirds of the people of this Territory are in favor of Martial Law as proclaimed and enforced by him. On the contrary, in the opinion of the undersigned, if the people of this Territory were called upon to vote directly upon the question, two-thirds of them would be opposed to it.

Sixth. We entertain the opinion that if Governor Stevens' views could be known at this time, that, while he might feel gratified with the zeal of his friends in endeavoring to vindicate his cause, he would advise a withdrawal of the resolution under consideration.

Seventh. We believe the introduction of the resolution under consideration at this time, to be the result of a blind and mistaken friendship to Gov. Stevens on the part of its author and friends, so intense as to entirely overlook the interests of the Territory.

Eighth. We believe it to be unwise and impolitic at this juncture of the affairs of our young Territory, to renew the agitation of the question of Martial Law, now, it is to be hoped, happily sleeping, because we think it will encumber and endanger the speedy payment of the war indebtedness, already burthened down with obstacles sufficient to discourage the most sanguine. And we are more especially induced to the belief of the impolicy of calling up this question at this time, since, (as is evidenced in the case of Brigham Young in proclaiming Martial Law in the Territory of Utah) there is an increasing disposition manifested to act upon the precedent thus established, which may endanger the liberties of the people, and subvert our free institutions—the boast of Americans, and the wonder of the civilized world.

Ninth. Entertaining the views hereinabove recited, and in view of the fact that the attention of the whole Union is at this time directed towards Brigham Young and his Martial Law, the undersigned would ap-

peal to the better judgment of their peers to weigh this matter with an eye single to the interests of the Territory, casting aside all personal and political considerations.

Tenth. Before closing, we cannot refrain from recommending the indefinite postponement of C. J. R. No. 3, and indulging in the hope that their recommendation may be adopted.

WM. KELLY,
F. S. BALCH,
Minority of Com. on Military Affairs.

Mr. Anderson, from the committee on Judiciary, submitted the following report:

The committee on Judiciary to whom was referred,

H. B. No. 37—An act to abolish capital punishment, and to provide for the more effectual punishment of the crime of murder,

Have had the same under consideration, and instructed me to report it back to the House and recommend its indefinite postponement.

The committee have also had under consideration

H. M. No. 16—Relative to holding district courts in each county in Washington Territory.

And have instructed me to report the same back to the House and recommend its passage.

The committee have also had under consideration

H. B. No. 22—An act concerning the partition of lands.

And have instructed me to report the same back and recommend that it be indefinitely postponed.

J. W. ANDERSON,
Chairman.

Mr. Speaker gave notice that he was about to sign

H. J. R. No. 10—Relative to making Vancouver a port of delivery.

Mr. Peabody introduced

H. B. No. 47—An act to provide for the exemption of the property of unmarried men and women.

Read a first time and ordered to a second reading.

Mr. Meeker introduced

H. B. No. 48—An act to amend an act entitled, "an act relative to crimes and punishments, and proceedings in criminal cases," and an act entitled, "an act to regulate the practice and proceedings in prosecutions for crimes."

Read first time and ordered to a second reading.

H. B. No. 41—An act to amend an act entitled, "an act relating to elections and the mode of supplying vacancies."

Read a second time.

Mr. Irby moved to refer to a select committee of five.

Mr. Balch moved to lay the bill on the table.

Which motion was lost.

Mr. Meeker moved to lay the motion to refer to a select committee on the table.

The question being upon the motion to lay on the table, the yeas and nays were demanded, which were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Hinckly, Kellogg, Kelley, Meeker, Moore, Stillman and Wilson—11.

Those voting in the negative were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Taylor and Mr. Speaker—18.

So the motion was lost.

The question being on referring the bill to a select committee, it was decided in the affirmative.

The Chair appointed Messrs. Irby, Jackson, Kelly, Baker and Anderson as said committee.

H. B. No. 40—Relative to prosecuting attorneys.

Read a second time; and,

On motion of Mr. Hinckley,

Referred to committee on Judiciary.

H. J. R. No. 11—Praying for an appropriation or donation of land for the establishment of a lunatic asylum in Washington Territory.

Read a second time; and,

On motion of Mr. Smith,

Referred to committee on Public Grounds and Buildings.

H. J. R. No. 12—Relative to the establishment of a marine hospital in Washington Territory.

Read a second time; and,

On motion of Mr. Crockett,

Referred to the committee on Commerce.

H. M. No. 17—To the Secretary of the Treasury of the United States.

Read second time; and,

On motion of Mr. Bradshaw,

Referred to the committee on Printing.

H. M. No. 18—Relative to military road from Steilacoom to Vancouver.

Read second time; and,

On motion of Mr. Phillips,

Referred to committee on Memorials.

H. B. No. 42—An act relating to registry.

Read a second time.

Mr. Smith moved to refer to the committee on Elections.

Which motion was lost.

Mr. Kelly moved to indefinitely postpone.

Mr. Balch moved to lay the motion to indefinitely postpone on the table.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Crocket, Hinckley, Kellogg, Meeker, Moore, Seavy, Smith, Stillman and Wilson—12.

Those voting in the negative were—

Messrs. Anderson, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Peabody, Phillips, Shaw, Taylor and Mr. Speaker—17.

So the motion was lost.

Mr. Meeker moved to lay the bill on the table and make the order of the day for to-morrow.

Which motion was lost.

Mr. Meeker moved to refer to a select committee of three.

Which motion was lost.

Mr. Smith moved to lay on the table until Monday next.

Which motion was lost.

Mr. Balch moved to strike out in section 2, 25 cents, and insert 12 1-2 cents.

On motion of Mr. Curtis,

The amendment offered by Mr. Balch was amended by striking out 12 1-2 cents, and inserting 25 dollars.

Which motion prevailed.

The question being upon motion to indefinitely postpone, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Moore, Morrow, Phillips, Stillman, Taylor and Mr. Speaker—21.

Those voting in the negative were—

Messrs. Bradshaw, Hinckley, Kellogg, Meeker, Peabody, Seavy and Wilson—6.

So the bill was indefinitely postponed.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the Council have passed

H. B. No. 20—An act to define the southern boundary line of Kitsap county,

H. B. No. 15—An act to prevent the sale of intoxicating liquors to Kanakas,

H. B. No. 13—An act relative to the distribution of the public arms,

H. B. No. 14—An act to amend an act entitled, "an act to incorporate the City of Vancouver,"

H. M. No. 5—Praying for a further appropriation to complete the military road from Fort Steilacoom to Fort Bellingham,

H. M. No. 6—Praying for an appropriation by Congress to buoy out the north channel of the Columbia river,

C. J. R. No. 3—Relative to tendering thanks to Gov. Curry of Oregon, for his manly defence of the volunteer organization of the Territory of Oregon and Washington.

H. J. R. No. 13—Relative to employing an enrolling Clerk.

The Council have indefinitely postponed

H. B. No. 12—An act to regulate the draining of marsh and swamp lands,

The President of the Council has signed

An act for the erection of the public buildings at the seat of government of Washington Territory,

An act to amend an act entitled, "an act to amend an act entitled, 'an act appointing commissioners to select a site and superintend the construction of the penitentiary of the Territory of Washington,'"

Memorial praying, where settlers were driven from their claims by the Indian war, their titles to the same may be confirmed.

Joint Resolution relative to appointing a commission to compile, revise and codify the laws of Washington Territory.

H. B. No. 43—An act to amend an act entitled, "an act to exempt certain property from attachment and execution."

Read a second time; and,

On motion of Mr. Balch,

Referred to committee on the Judiciary.

H. B. No. 44—An act to secure to orphans and certain other children, a common school education.

Read a second time; and,

On motion of Mr. Meeker,

Referred to committee on Education.

H. B. No. 46—An act for the protection of school land, and repeal all acts and parts of acts relative to common schools.

Read second time; and,

On motion of Mr. Shaw,

Laid on the table and ordered to be printed.

H. B. No. 38—An act to dissolve the bonds of matrimony existing between Charles J. Bird and Whe-losh-ban Em-tuts Bird.

Read third time; and,

The question being upon the final passage of the bill, the yeas and nays were ordered, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Bradshaw, Curtis, Fletcher, Jackson, Kelly, Miller, Morrow, Peabody, Shaw, Smith and Taylor—12.

Those voting in the negative, were—

Messrs. Baker, Balch, Bullard, Crockett, Glasgow, Guthrie, Irby, Hinckley, Hutchinson, Kellogg, Meeker, Moore Phillips, Seavy, Stillman, Wilson and Mr. Speaker—17.

House refused to order to a third reading.

On motion of Mr. Bradshaw,

H. M. No. 4—Praying that two armed steamers be stationed on the north-west coast,

Was taken from the table; and,

On motion of Mr. Shaw,

Considered engrossed and read a third time now.

The question being upon the final passage of the memorial, the yeas and nays were ordered and were as follows:

Those voting in the affirmative, were—

Messrs. Baker, Balch, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—25.

Those voting in the negative were—

None.

So the memorial passed unanimously.

On motion of Mr. Morrow,

H. M. No. 8—Relative to the extension of the donation law, granting settlers donations of the public lands in Washington Territory,

Was taken from the table.

Mr. Morrow moved that the Memorial be considered engrossed, and now assigned as the time for its third reading.

Mr. Balch moved to lay the memorial on the table, and make the order of the day for the 18th day of January.

Which motion was lost.

Mr. Balch moved that the House resolve itself into committee of the whole to take into consideration said memorial.

Which motion was lost.

On motion of Mr. Kelly,

The memorial was amended in the 17th line by striking out the words "one thousand," and inserting the words "five hundred."

On motion of Mr. Wilson,

Amended in 17th line by inserting after the word "plowing," the words "other improvements."

Mr. Taylor moved to amend by striking out the 10th and 11th lines, and inserttng the words "because all the best lands contiguous to market, or navigable streams, are now covered by donation claims."

Which motion was lost.

Mr. Irby moved to amend in the 16th line by inserting after the words "three hundred and twenty," the words "if a married man, and one hundred and sixty, if a single man."

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Curtis, Irby, Jackson, Hutchinson, Kelly, Morrow, Phillips, Seavy, Stillman and Wilson—10.

Those voting in the negative were—

Messrs. Anderson, Balch, Bradshaw, Bullard, Crocket, Fletcher, Glasgow, Hinckley, Kellogg, Meeker, Miller, Moore, Peabody, Shaw, Smith and Mr. Speaker—16.

So the motion to amend was lost.

Mr. Balch moved to amend in the 15th line by inserting after the word "Territory," the words "or heirs of those who may have died on their way to this Territory."

Which motion prevailed.

Mr. Guthrie moved that when the House adjourn, it adjourn to meet at 2 o'clock, P. M.

Which motion was lost.

Mr. Smith moved to amend the memorial under consideration by striking out in the 13th line, the word "any," and inserting the words "one hundred and sixty acres."

Mr. Bradshaw moved to adjourn.

Which motion was lost.

Mr. Kelly moved to amend by striking out in the 15th and 16th lines the words "have not availed themselves of the benefits of former donation laws of this or Oregon Territory."

Mr. Smith moved to amend the amendment proposed by Mr. Kelly, by striking out the words "Oregon Territory."

Which motion prevailed.

The question being on the amendment of Mr. Kelly, it was lost.

On motion of Mr. Anderson,

The memorial was re-committed to committee on Memorials.

On motion of Mr. Moore,

The House adjourned.

FRIDAY, JANUARY 15, 1858.

House met pursuant to adjournment.

Journal of Thursday read and approved.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed to inform the House that the Council have passed

H. B. No. 8—An act to alter the boundary of Whatcom county,

H. B. No. 24—An act to establish a board of Pilot Commissioners for Columbia river,

H. B. No. 25—An act appropriating money for the payment of certain fees,

Also, of the introduction of

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of Washington Territory by Gen. Wool, at the time of the late war.

Mr. Bradshaw presented

A petition from the citizens of Clalam county, in reference to the dividing line of Jefferson and Clalam counties.

Mr. Seavy presented

A petition from the citizens of Jefferson county, in reference to the dividing line of Jefferson and Clalam counties.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined

C. M. No. 1—Relative to the creation of the office of Superintendent of Indian affairs of Washington Territory,

H. J. R. No. 13—Relative to employing an enrolling clerk.

And find them correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Jackson, from the committee on Counties, submitted the following report:

The committee on Counties, to whom was referred the petition of W. W. Bullard, M. Hall and others, praying for the union of Pacific and Chehalis counties, have had the same under consideration and report by bill.

HENRY JACKSON,
Chairman.

Mr. Wilson, from the committee on Commerce, submitted the following report:

The committee on Commerce have had under consideration

H. J. R. No. 12—Relative to the establishment of a marine hospital in Washington Territory,

And have instructed me to report that it be passed without amendment.

H. C. WILSON,
Chairman.

Mr. Jackson, from the committee on Counties, submitted the following report:

The committee on Counties to whom was referred

H. B. No. 45—An act to create and organize the county of Spokane,

Have had the same under consideration, and a majority of the committee have instructed me to report the same back without amendment and recommend its passage.

HENRY JACKSON,
Chairman.

Mr. Wilson, from committee on Public Grounds and Buildings, submitted the following report:

The committee on Public Grounds and Buildings have had under consideration

H. J. R. No. 11—Praying for an appropriation or donation of land for the establishment of a lunatic asylum in Washington Territory,

Have instructed me to report the same back to the House without amendments and recommend its passage.

H. C. WILSON,
Chairman.

Mr. Miller, from the select committee, submitted the following report:

The select committee, to whom was referred the petition of John A. Packard, have had the same under consideration and instructed me to report that no further action be had in the matter.

W. W. MILLER,
Chairman.

Mr. Irby, from select committee, submitted the following report:

The select committee to whom was referred

H. B. No. 41—An act to amend an act entitled, "an act relating to elections and the mode of supplying vacancies,"

Have had the same under consideration, and a majority of the committee have instructed me to report the bill back with amendments and recommend its passage.

C. S. IRBY,
Chairman.

On motion of Mr. Stillman,

The vote by which H. B. No. 38 was defeated, was re-considered.

The question being upon the final passage of the bill, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Jackson, Hutchinson, Kelly, Miller, Morrow, Peabody, Seavy, Shaw, Smith, Taylor and Wilson—19.

Those voting in the negative, were—

Messrs. Baker, Balch, Irby, Hinckley, Kellogg, Meeker, Moore, Phillips and Mr. Speaker—9.

So the bill was passed and its title agreed to.

On motion of Mr. Irby,

The Clerk was instructed to forthwith report the passage of the bill to the Council.

Mr. Meeker introduced

H. B. No. 49—An act to incorporate the Steilacoom Library Association of W. T.

Read a first time; and,

On motion of Mr. Meeker,

Rules suspended and read a second time.

On motion of Mr. Hinckley,

Referred to committee on Corporations.

Mr. Miller introduced

H. B. No. 50—An act to amend an act relating to deeds.

Read first time and ordered to a second reading.

Mr. Glasgow introduced

H. B. No. 51—An act to amend an act entitled, "an act creating the office and defining the duties of Territorial Auditor."

Read first time and ordered to a second reading.

Mr. Miller introduced

H. M. No. 19—Relative to John Y. Sewell.

Read a first time; and,

On motion of Mr. Shaw,

Rules suspended and read a second time.

On motion of Mr. Smith,

Referred to committee on Memorials.

Mr. Speaker gave notice that he was now about to sign

C. M. No. 1—Relative to the creation of the office of superintendent of Indian affairs for Washington Territory, and H. J. R. No. 13.

H. B. No. 47—An act to provide for the exemption of the property of unmarried men and women,

Was read a second time; and,

On motion of Mr. Shaw,

Referred to committee on Judiciary.

H. B. No. 48—An act to amend an act entitled, "an act relative to crimes and punishments, and proceedings in criminal cases," and an act entitled, "an act to regulate the practice and proceedings in prosecutions for crimes."

Read second time; and,

On motion of Mr. Smith,

Referred to committee on Judiciary.

H. B. No. 32—An act to re-locate the Territorial University,

Which had been reported back from the committee on Education, was taken up; and,

On motion of Mr. Anderson,

Laid on the table, and made the order of the day for the 18th of January.

Petition of citizens of Jefferson and Clalam counties relative to the dividing line of said counties, coming up, was,

On motion of Mr. Bradshaw,

Referred to committee on Counties.

H. B. No. 45—An act to create and organize the county of Spokane,

Was taken up; and,

On motion of Mr. Moore,

Referred to a select committee of five.

The Chair announced Messrs. Moore, Morrow, Peabody, Curtis and Bullard, as said committee.

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,

Which had been reported back from committee on Memorials, was taken up.

On motion of Mr. Meeker,

The report of the committee was adopted, and the bill indefinitely postponed.

Substitute for H. M. No. 3—Praying for the ratification of the treaties with Indians of Washington Territory,

Which had been reported from committee on Memorials, was read a first time.

Mr. Shaw moved to suspend the rules and read a second time now.

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Peabody, Seavy, Shaw, Smith, Taylor and Mr. Speaker—18.

Those voting in the negative were—

Messrs. Anderson, Balch, Bradshaw, Crocket, Hinckley, Kellogg, Meeker, Moore, Phillips, Stillman and Wilson—11.

There not being two-thirds voting in the affirmative, the rules were not suspended.

The memorial was ordered to a second reading.

C. J. R. No. 2—Relative to citizens and settlers in Walla Walla county being driven from their slaims and houses by the military authority of W. T.

Was taken up.

Mr. Moore moved to amend the amendment offered by Mr. Kelly, by striking out the words "assumed to," and changing the word "issue," to "issued."

On motion of Mr. Kelly,

A call of the House was made.
Absent—Mr. Balch.

On motion of Mr. Bradshaw,

The Sergeant-at-arms was sent for absent members.

On motion of Mr. Moore,

A further call of the House was dispensed with.

The question being on the amendment to the amendment, it was lost.

The question being upon the amendment offered by Mr. Kelly, the yeas and nays were ordered and were as follows:

Those voting in the affirmative, were—

Messrs. Guthrie, Kelly, Peabody, Phillips and Smith—5.

Those voting in the negative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Meeker, Miller, More, Morrow, Seavy, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—24.

So the motion to amend was lost.

The question being upon the pending amendment offered by Mr. Balch on a previous day, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative, were—

Messrs. Balch, Hinckley, Kellogg, Meeker, Moore and Smith—6.

Those voting in the negative, were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor, Wilson and and Mr. Speaker—23.

So the amendment was lost.

Mr. Kelly moved to amend in first and second lines, by striking out the words "the said orders are without authority of law, and that"

Motion lost.

Mr. Kelly desired his name recorded as the only vote in the affirmative for this latter amendment offered by him.

Mr. Irby moved that now be assiged as the time for the third reading of the resolution.

Mr. Smith moved to strike out the 6th and 7th lines, and insert the following:

"Resolved, That we believe the above usurpation a more aggravated form of martial law than that proclaimed by Governor Stevens.

Which motion was lost.

The resolution was then ordered to a third reading.

The question being upon the final passage of the resolution the yeas and nays were ordered, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckly, Hutchinson, Kellogg, Meeker, Miller, Moore, Morrow, Phillips, Seavy, Shaw, Smith, Stillman, Taylor and Mr. Speaker—25.

Those voting in the negative, were—

Messrs. Balch, Kelly, Peabody and Wilson—4.

So the resolution was adopted.

On motion of Mr. Fletcher,

The Clerk was instructed to forthwith report to the Council, the passage of said resolution.

H. B. No. 21—An act authorizing the county commissioners to put the convicts of the county jail to labor,

Which had been reported back from committee on Judiciary, was taken up.

On motion of Mr. Meeker,

Laid on the table and ordered to be printed.

H. M. No. 15—Praying the amendment of the pre-emption law, as regards pre-empting in Washington Territory,

Which had been reported back from committee on Memorials, was taken up.

On motion of Mr. Morrow,

Laid on the table and ordered to be printed.

H. B. No. 33—An act to repeal an act entitled, "an act to amend an act entitled, 'an act to regulate marriage, passed April 20th, 1854,'"

Which had been reported back from the committee on the Judiciary, was taken up.

Mr. Guthrie moved the adoption of that portion of the report of the committee referring to this bill.

Upon this motion the yeas and nays were demanded.

On motion of Mr. Moore,

A call of the House was made.

Absent—Mr. Moore.

On motion of Mr. Shaw,

A further call of the House was dispensed with.

The question being upon the adoption of the report of the committee, the yeas and nays were demanded, which were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bullard, Crockett, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Moore, Morrow, Peabody, Phillips, Seavy, Shaw and Taylor—17.

Those voting in the negative were—

Messrs. Bradshaw, Curtis, Glasgow, Hinckley, Kelly, Meeker, Miller, Smith, Stillman, Wilson and Mr. Speaker—11.

Report adopted, and bill indefinitely postponed.

Mr. Balch moved to re-consider the vote by which the report of the committee on Judiciary relative to H. B. No. 33, was adopted.

Pending which motion.

Mr. Balch moved to lay the motion to re-consider on the table.

Which motion prevailed.

Petition of Albert Eggers and others praying the incorporation of the "Olympia Musical Association," coming up,

Mr. Kelly moved to refer to a select committee of three.

Pending which,

On motion of Mr. Bradshaw,

Referred to committee on Corporations.

H. B. No. 39—An act creating the office and defining the duties of harbor-master of the harbor of Oysterville,

Which had been reported back from the committee on Commerce, was taken up; and,

On motion of Mr. Morrow,

Laid on the table and ordered to be printed.

C. B. No. 3—Relative to appropriating money from the Territorial treasury to pay Jas. McDonald and others for the arrest of Patrick Reagan,

Which had been reported from the committee on Claims with amendments, was taken up; and,

On motion of Mr. Anderson,

Laid on the table and ordered to be printed.

H. M. No. 14—Praying for military post at New Dunginess, and military road from New Dunginess to Port Townsend,

Which had been reported from the committee on Memorials, was taken up.

On motion of Mr. Bradshaw,

Laid on the table and ordered to be printed.

H. M. No. 20—Praying for an appropriation to re-locate and build and clear of obstructions the military road from Fort Steilacoom to Walla Walla valley,

Which had been reported from committee on Memorials, was taken up; and

Read a first time and ordered to a second reading.

Report of committee on Commerce on petition of A. S. Abernethy and others, was taken up.

On motion of Mr. Balch,

Report of committee adopted, to the effect that no further action be taken upon the subject.

H. B. No. 35—An act to amend an act entitled, "an act relating to roads and highways," passed January 28th, 1857,

Which had been reported back from committee on Roads and Highways, was taken up.

On motion of Mr. Guthrie,

Laid on the table and ordered to be printed.

H. B. No. 30—An act authorising William H. Cooper to establish a ferry,

Which had been reported back from commitee on Roads and Highways, was taken up.

On motion of Mr. Morrow,

Laid on the table and ordered to be printed.

H. B. No. 37—An act to abolish capital punishment, and to provide for the more effectual punishment of the crime of murder,

Which had been reported back from committee on Judiciary, was taken up.

On motion of Mr. Balch,

Laid on the table and ordered to be printed, and made the order of the day for the 19th of January.

H. M. No. 16—Relative to holding district courts in each county in Washington Territory,

Which had been reported back from the committee on Judiciary, was taken up.

On motion of Mr. Smith,

Laid on the table and ordered to be printed.

H. B. No. 22—An act concerning the partition of lands.

Which had been reported back from committee on Judiciary, was taken up.

On motion of Mr. Balch,

That portion of the report referring to the bill was adopted, which indefinitely postponed the bill.

H. B. No. 52—An act to unite the counties of Pacific and Chehalis and provide for the organization of the same,

Which had been reported by committee on Counties,

Read first time and ordered to a second reading.

H. J. R. No. 11—Praying for an appropriation or donation of land for the establishment of a lunatic asylum in Washington Territory,

Which had been reported from the committee on Public Grounds and Buildings, was taken up.

On motion of Mr. Moore,

Read a third time.

The question being upon the adoption of the resolution, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Meeker, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—26.

Those voting in the negative were—

Mr. Hinckley—1.

So the resolution was adopted.

H. J. R. No. 12—Relative to the establishment of a marine hospital in Washington Territory,

Reported back from committee on Corporations, was taken up.

On motion of Mr. Phillips,

Considered engrossed, and read a third time and adopted.

Report of select committee, to whom was referred the petition of J. A. Packard, was taken up.

On motion of Mr. Moore,

That part which indefinitely postponed the subject was adopted.

H. B. No. 41—An act to amend an act entitled, "an act relating to elections and the mode of supplying vacancies,"

Which had been reported from select committee with amendments, was taken up.

On motion of Mr. Moore,

Laid on the table and ordered to be printed with pending amendments.

H. B. No. 15—An act to prevent the sale of intoxicating liquors to Kanakas,

Which had been reported from the Council with an amendment, was taken up, and amendment concurred in.

C. J. R. No. 4—Relative to tendering thanks to Gov. Curry of Oregon, for his manly defence of the volunteer organization of the Territory of Oregon and Washington,

Read a first time; and,

On motion of Mr. Kelly,

Rules suspended and read a second time.

On motion of Mr. Anderson,

Referred to committee on Military Affairs.

H. B. No. 8—An act to alter the boundary of Whatcom county,

Reported from the Council with amendments, coming up, the House concurred in Council amendment.

On motion of Mr. Wilson,

H. B. No. 18—An act authorizing United States coast surveying parties to enter upon lands in Washington Territory, to erect signals, &c, and to prevent injury to said signals,

Was taken from the table; and,

On motion of Mr. Shaw,

Considered engrossed and read a third time.

Bill passed and title agreed to.

On motion of Mr. Stillman,

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

Was taken from the table.

Mr. Morrow moved to amend in 7th, 8th and 9th lines by striking out "even now mail matter from San Francisco can be delivered at Olympia a week or ten days earlier by this than by any other," and in the 9th and 10th lines by striking out the words "usually weigh six or seven hundred, and sometimes as high as a thousand, and."

Mr. Anderson moved to amend by striking out the words "week or ten days."

On motion of Mr. Anderson,

The memorial, with pending amendments, was re-committed to committee on Memorials.

On motion of Mr. Meeker,

The House adjourned.

SATURDAY, JANUARY 16, 1858.

House met pursuant to adjournment.

Journal of Friday read and approved.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed to inform the House that the Council have passed

H. B. No. 10—An act appropriating money from the Territorial treasury to pay for certain printing,

H. B. No. 38—An act to dissolve the bonds of matrimony existing between Chas. J. Bird and Whe-losh-ban Em-tuts Bird,

C. B. No. 4—An act relative to prosecuting attorneys,

H. M. No. 4—Praying that two armed steamers be stationed on the north-west coast,

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of Washington Territory by Gen. Wool, at the time of the late war,

H. M. No. 7—Praying for a military road from the military post at Port Townsend to intersect the military road from Fort Steilacoom to Fort Vancouver,

The President of the Council has signed

Joint Resolution relative to making Vancouver a port of delivery.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined

C. J. R. No. 2—Relative to the citizens and settlers in Walla Walla county being driven from their claims and houses by the military authority of Washington Territory,

And report the same as correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

H. M. No. 19—Relative to John Y. Sewell,

Have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

R. V. PEABODY,
Chairman.

Mr. Guthrie, from committee on Agriculture, to whom was referred

H. B. No. 27—An act to amend an act entitled, "An act relative to weights and measures,"

Have had the same under consideration, and report the same back and recommend its passage,

STEPHEN GUTHRIE,
Chairman.

Mr. Smith in the chair.

Mr. Guthrie desired leave of the House to re-introduce, ten days hence,

H. B. No. 12—An act to regulate the draining of marsh and swamp lands,

Mr. Van Cleave moved to grant the leave,

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckly, Hutchinson, Kellogg, Kelley, Meeker, Miller, Moore, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—28.

Leave was granted by a unanimous vote.

Mr. Baker introduced

H. B. No. 53—An act declaring so much of the military road leading from Vancouver to Fort Steilacoom as lies in Thurston county, a Territorial road.

Read a first time; and,

On motion of Mr. Shaw,

Rules suspended and read a second time.

On motion of Mr. Irby,

Referred to committee on Roads and Highways.

Mr. Miller introduced

H. B. No. 54—Relative to declaring a portion of the road from Olympia to Steilacoom, a public highway.

Read first time and ordered to a second reading.

Mr. Fletcher introduced

H. B. No. 55—An act to apportion the representation of the legislative Assembly of Washington Territory.

Read first time; and,

On motion of Mr. Kelly,

Laid on the table and ordered to be printed.

H. M. No. 20—Praying for an appropriation to re-locate, build and clear of obstructions the military road from Fort Steilacoom to Walla Walla valley.

Read a second time; and,

On motion of Mr. Meeker,

Rules suspended, and read a third time and passed.

Message from the Council by their Clerk—

Mr. SPEAKER:—I am instructed by the Council to inform the House that the President of the Council has signed

Memorial relative to the creation of the office of superintendent of Indian affairs for Washington Territory,

Joint Resolution relative to employing an enrolling Clerk.

Also, that the Council have passed

H. J. R. No. 11—Praying for an appropriation or donation of land for the establishment of a lunatic asylum in Washington Territory.

On motion of Mr. Meeker,

The Clerk was instructed to forthwith report to the Council, the passage of

C. M. No. 20—Praying for an appropriation to re-locate and build and clear of obstructions the military road from Fort Steilacoom to Walla Walla valley.

H. B. No. 50—An act to amend an act relating to deeds.

Read second time; and,

On motion of Mr. Balch,

Laid on the table and ordered to be printed.

H. B. No. 51—An act to amend an act entitled, "an act creating the office and defining the duties of Territorial Auditor."

Read second time; and,

On motion of Mr. Balch,

Referred to committee on Judiciary.

H. B. No. 52—An act to unite the counties of Pacific and Chehalis and provide for the organization of the same.

Read a second time; and,

On motion of Mr. Morrow,

Laid on the table and ordered to be printed.

Mr. Speaker in the Chair.

Substitute for H. M. No. 3—Praying for the ratification of the treaties with Indians of Washington Territory,

Read a second time; and,

On motion of Mr. Irby,

Ordered to be read a third time on Monday.

H. M. No. 19—Relative to John Y. Sewell,

Which had been reported from committee on Memorials, was taken up.

Mr. Kelly rose for information in regard to this memorial.

On motion of Mr. Meeker,

Mr. Sewell, who was present at the time, was requested to make explanation to the House.

On motion of Mr. Morrow,

The memorial was considered engrossed and read a third time and passed.

H. B. No. 27—An act to amend an act relative to weights and measures,

Which had been reported from the committee on Agriculture, was taken up; and,

On motion of Mr. Shaw,

Considered engrossed and read a third time now, passed and title agreed to.

Mr. Speaker gave notice that he was about to sign

C. J. R. No. 2—Relative to citizens and settlers in Walla Walla county being driven from their claims and houses by the military authority of W. T.

C. B. No. 4—Relative to prosecuting attorneys.

Read a first time; and,

On motion of Mr. Meeker,

Rules suspended and read a second time.

On motion of Mr. Meeker,

Referred to committee on Judiciary.

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of W. T. by Gen. Wool concerning the late war in W. T.

Read first time and ordered to a second reading.

On motion of Mr. Guthrie,

H. B. No. 26—An act to amend an act entitled, "an act relating to common schools in the Territory of Washington,"

Was taken from the table.

The question being upon the adoption of the pending amendments recommended by the committee of the whole House,

Mr. Guthrie moved to take up each section respectively.

Which motion prevailed.

On motion of Mr. Meeker,

Section 5 was amended in the third line after the word "reside," by inserting the words "provided there be no school in their own district."

On motion of Mr. Fletcher,

Section 8 was amended in the 4th line, after the word "district," by inserting the words "the same."

On motion of Mr. Meeker,

Section 9 was amended in the 2d line, after the word "school," by striking out the word "in," and inserting "a."

Mr. Hinckley in the Chair.

On motion of Mr. Meeker,

Section 16 was amended in the third line, by striking out the words "three years from," and inserting the word "until."

On motion of Mr. Fletcher,

Section 16 was amended in the third line, after the word "meeting," by adding the words "and until his successor is elected and qualified."

On motion of Mr. Meeker,

Section 23 was amended in the 2d line after the word "for," by striking out the words "three months," and inserting the words "thirty days."

On motion of Mr. Fletcher,

Section 25 was amended in the 4th line by striking out the words "pay over," and inserting the words "proceed with."

On motion of Mr. Moore,

Section 27 was amended in the first line by striking out the word "they," and inserting the word "their."

On motion of Mr. Curtis,

The following was adopted as section 28:

"The directors and Clerks of the several districts of this Territory now in office, shall hold their offices until their successors are elected and qualified under this act."

On motion of Mr. Curtis,

The following was adopted in lieu of section 29, "all acts, and parts of acts inconsistent with the provisions of this act, are hereby repealed."

The amendments of committee of the whole House adopted.

On motion of Mr. Guthrie,

The bill was considered engrossed and read a third time now.

The question being upon the final passage of the bill the yeas and nays were ordered, and resulted as follows:

Messrs. Anderson, Bradshaw, Crockett, Curtis, Fletcher, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Kelly, Moore, Phillips, Stillman, Taylor, Wilson and and Mr. Speaker—17.

Those voting in the negative, were—

Messrs. Balch, Bullard, Glasgow, Hinckley, Meeker, Miller, Morrow, Peabody and Shaw—9.

So the bill was passed and its title agreed to.

On motion of Mr. Meeker,

The House adjourned.

MONDAY, JANUARY 18th, 1858.

House met pursuant to adjournment.

Absent—Messrs. Smith and Baker.

Journal of Saturday read and approved.

Mr. Anderson, from the committee on Judiciary, submitted the following report:

The committee on Judiciary to whom was referred,

H. B. No. 40—Relative to prosecuting attorneys, and C. B. No. 4, relating to prosecuting attorneys,

Have had the same under consideration, and have instructed me to report a substitute in lieu of the originals, and recommend its passage.

J. W. ANDERSON,
Chairman.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

H. M. No. 18—Relative to military road from Steilacoom to Vancouver,

Have instructed me to report the same back to the House without amendments and recommend its passage.

R. V. PEABODY,
Chairman.

Mr. Phillips, from committee on enrolled bills, submitted the following report:

The joint committee on Enrolled Bills report that they have employed H. R. Crosbie, as Enrolling Clerk, who agrees to perform the service in accordance with H. J. R. No. 13—Relative to employing an enrolling clerk.

DAVID PHILLIPS,
Chairman.

Mr. Curtis presented

H. M. No. 21—Praying Congress to extinguish the rights of the foreign corporations in Washington Territory.

Read first time; and,

On motion of Mr. Irby,

Rules suspended and read a second time.

On motion of Mr. Taylor,

Referred to committee on Memorials.

H. B. No. 54—Relative to declaring a portion of the road from Olympia to Steilacoom a public highway.

Read a second time; and,

On motion of Mr. Stillman,

Referred to committee on Roads and Highways.

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of Washington Territory by Gen. Wool, concerning the late war.

Read a second time; and,

On motion of Mr. Anderson,

Referred to committee on Military Affairs.

Substitute for H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory.

Read a third time.

The question being upon the adoption of the memorial, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Phillips, Seavy, Taylor and Mr. Speaker—16.

Those voting in the negative were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Hinckley, Kellogg, Kelly, Meeker, Moore, Stillman and Wilson—11.

So the memorial was passed.

H. M. No. 18—Relative to military road from Steilacoom to Vancouver,

Which had been reported from the committee on Memorials, was taken up.

On motion of Mr. Balch,

Considered engrossed and read a third time.

The question being upon the final passage of the memorial, the yeas and nays were ordered, and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Crockett, Cur-

tis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—27.

So the memorial passed unanimously.

Substitute for H. B. No. 40, and C. B. No. 4—Relative to prosecuting attorneys.

Read a first time; and,

On motion of Mr. Shaw,

Laid on the table and ordered to be printed.

On motion of Mr. Meeker,

H. B. No. 46—An act for the protection of school land, and repeal of all acts and parts of acts relative to common schools,

Was taken from the table; and,

On motion of Mr. Kelly,

Referred to committee on Education.

On motion of Mr. Fletcher,

H. B. No. 55—An act to apportion the representation of the Legislative Assembly of Washington Territory,

Was taken from the table.

Mr. Bradshaw moved that the bill be rejected.

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Balch, Bradshaw, Crocket, Hinckley, Kellogg, Kelly, Meeker, Moore, Peabody, Phillips, Seavy, Smith and Wilson—13.

Those voting in the negative were—

Messrs. Anderson, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Shaw, Stillman, Taylor and Mr. Speaker—15.

Motion to reject was lost, and the bill ordered to a second reading.

On motion of Mr. Curtis,

H. B. No. 21—An act authorizing the county commissioners to put the convicts of the county jail to labor,

Was taken from the table; and,

On motion of Mr. Morrow,

Considered engrossed, read a third time, passed and title agreed to.

Mr. Bradshaw moved to take up

C. J. R. No. 3—Relative to the proclamation of martial law over the counties of Pierce and Thurston, by Isaac I. Stevens, late Governor of Washington Territory.

Pending which motion,

Mr. Irby moved to proceed to the orders of the day.

Which motion prevailed.

H. B. No. 11—An act relative to estrays,

Was taken up; and,

On motion of Mr. Fletcher,

Referred to committee of the whole House.

The House resolved itself into committee of the whole, with Mr. Balch in the chair, to take into consideration H. B. No. 11—An act relative to estrays.

After some time spent in committee of the whole, the committee arose, reported progress, and asked leave to sit again on Thursday next.

On motion of Mr. Kelly,

The report was adopted.

H. B. No. 32—An act to re-locate the Territorial University,

Was taken up.

Mr. Phillips moved that it be indefinitely postponed.

On motion of Mr. Fletcher,

Amended by striking out the words "Boisfort Plains," and inserting the words "Cowlitz Farm Prairie."

The question being on the motion to indefinitely postpone,

Mr. Irby moved to lay the bill on the table and order to be printed,

Mr. Guthrie called for a division of the question.

The question to lay on the table, as divided, being put, was lost, which carried with it the question to order to be printed.

On motion of Mr. Guthrie,

The bill was postponed for further consideration, ordered printed, and made the order of the day for the 21st day of January.

Mr. Balch moved that the joint resolution be taken from the table.

The Chair decided the motion out of order, as the House had proceeded to the orders of the day, and could not recede and take up business that had previously been passed by a vote.

Mr. Balch appealed from the decision of the Chair.

Pending the appeal,

Mr. Fletcher moved the House adjourn;

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Seavy, Shaw, Smith and Taylor—17.

Those voting in the negative, were—

Messrs. Balch, Hinckly, Kellogg, Kelley, Meeker, Moore, Phillips, Stillman, Wilson and Mr. Speaker—10.

The House adjourned.

TUESDAY, JANUARY 19th, 1858.

House met pursuant to adjournment.

Journal of Monday read and approved.

Mr. Moore presented

A petition from citizens of Pierce county relative to a Territorial road.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined

H. B. No. 20—An act to define the southern boundary line of Kitsap county,

H. M. No. 6—Praying for an appropriation by Congress to buoy out the north channel of the Columbia river,

H. B. No. 13—An act relative to the distribution of the public arms,

H. M. No. 5—Praying for a further appropriation to complete the military road from Fort Steilacoom to Fort Bellingham,

And report them correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Crockett, from the committee on Roads and Highways, submitted the following report:

The committee on Roads and Highways have instructed me to report back without amendment and recommend the passage of

H. B. No. 53—An act declaring so much of the military road leading from Vancouver to Fort Steilacoom as lies in Thurston county, a Territorial road.

The committee have also had under consideration

H. B. No. 54—Relative to declaring a portion of the road from Olympia to Steilacoom, a public highway.

And respectfully submitted a substitute for the same, and call the special attention of the House to the fourth section of the substitute, and recommend the passage of the bill.

S. B. CROCKETT,
Chairman.

Mr. Smith, from committee on Printing, submitted the following report:

The committee on Printing to whom was referred

H. M. No. 17—To the Secretary of the Treasury of the United States,

Have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

H. A. SMITH,
Chairman.

Mr. Anderson, from the committee on Judiciary, submitted the following report:

The committee on Judiciary to whom was referred,

H. B. No. 47—An act to provide for the exemption of the property of unmarried men and women,

Have had the same under consideration, and have instructed me to report said bill back to the House without amendment for its consideration.

The committee have also had under consideration

H. B. No. 51—An act to amend an act entitled, "an act creating the office and defining the duties of Territorial Auditor,"

And have instructed me to report the same back to the House and recommend its passage.

J. W. ANDERSON,
Chairman.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

Have had the same under consideration, and instructed me to report it back to the House with amendments, and recommend its passage.

They have also had under consideration

H. M. No. 21—Praying Congress to extinguish the rights of the foreign corporations in Washington Territory,

And have instructed me to report the same back without amendment, and recommend its passage.

R. V. PEABODY,
Chairman.

Mr. Anderson in the chair.

Mr. Bullard introduced

H. J. R. No. 14—Relative to the adjournment of the Legislature, and relative to waiting upon the Governor.

Read a first time.

Mr. Smith moved the rejection of the resolution.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed to inform the House that the Council have passed

H. J. R. No. 12—Relative to the establishment of a marine hospital in Washington Territory,

H. M. No. 20—Praying for an appropriation to re-locate, build and clear of obstructions the military road from Fort Steilacoom to Walla Walla valley,

Also, of the introduction of

Joint resolution relative to memorials, joint resolutions, &c., addressed to the Congress of the U. S.

Mr. Kelly moved that H. J. R. No. 14 be laid on the table.

Which motion was lost.

The question being upon the motion to reject, the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Curtis, Fletcher, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kelly, Miller, Morrow, Phillips, Shaw, Smith, Stillman, Taylor and Mr. Speaker—19.

Those voting in the negative were—

Messrs. Balch, Bullard, Crockett, Glasgow, Kellogg, Meeker, Moore, Peabody, Seavy and Wilson—10.

So the resolution was rejected.

H. B. No. 55—An act to apportion the representation of the Legislative Assembly of Washington Territory.

Mr. Kelly offered the following amendments:

Amend section 1 so that it shall read "Clarke shall elect one, Walla Walla, Skamania and Clarke shall have one."

Amend sec. 2 so that it shall read "Skamania shall have one, Walla Walla shall elect one."

On motion of Mr. Fletcher,

The bill, with pending amendments, was referred to committee on Counties.

Petition of citizens of Pierce county relative to Territorial road was taken up.

On motion of Mr. Meeker,

Referred to committee on Roads and Highways.

H. B. No. 53—An act declaring so much of the Territorial road leading from Vancouver to Fort Steilacoom as lies in Thurston county, a Territorial road,

Which had been reported back from committee on Roads and Highways, was taken up.

On motion of Mr. Guthrie,

Considered engrossed and read a third time, passed and title agreed to.

Substitute for H. B. No. 54—An act to locate a Territorial road from Olympia, in Thurston county, to Steilacoom, in Pierce county.

Which had been reported back from commitee on Roads and Highways,

Was read first time and ordered to a second reading.

H. M. No. 17—To the Secretary of the Treasury of the U. S.,

Which had been reported back from committee on Printing, was taken up; and,

On motion of Mr. Van Cleave,

Considered engrossed and read a third time and passed.

H. B. No. 47—An act to provide for the exemption of certain property of unmarried men and women,

Which had been reported back from the committee on the Judiciary, with amendments, was taken up.

The amendments were adopted.

Mr. Smith moved to amend section 1 by striking out "500," and inserting "5,000."

On motion of Mr. Guthrie,

Laid on the table and ordered to be printed.

Mr. Speaker in the Chair.

H. B. No. 51—An act to amend an act entitled, "an act creating the office and defining the duties of Territorial Auditor,"

Which had been reported back from committee on Judiciary, with amendments, was taken up and amendments adopted.

On motion of Mr. Hinckley,

Ordered to be engrossed for a third reading.

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

Which had been reported back from committee on Memorials, with amendments, was taken up.

On motion of Mr. Stillman,

The first amendment to insert after the word "great," in the first line, the words "and only," was rejected.

The other amendments offered by the committee were adopted.

On motion of Mr. Anderson,

The Clerk was instructed to report forthwith to the Council the passage of

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

H. M. No. 21—Praying Congress to extinguish the rights of the foreign corporations in Washington Territory,

Which had been reported back from committee on Memorials, was taken up.

On motion of Mr. Irby,

Considered engrossed and read a third time and passed.

Mr. Wilson moved that the House adjourn.

Which motion was lost.

Message from the Council by their Clerk—

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

C. J. R. No. 7—For the establishment of a port of delivery at Whatcom, W. T.

C. J. R. No. 6—Relative to memorials, joint resolutions, &c., addressed to the Congress of the U. S.

H. M. No. 19—Relative to John Y. Sewell,

H. M. No. 18—Relative to military road from Steilacoom to Vancouver,

C. J. R. No. 8—Relative to election of Territorial officers.

Substitute for H. M. No. 3—Praying for the ratification of the treaties with Indians of Washington Territory.

Mr. Balch moved to take from the table

H. M. No. 12—To Brig. Gen. Clarke, of the Pacific Division U. S. Army.

Which motion was lost.

Mr. Balch moved that the House adjourn.

Which motion was lost.

On motion of Mr. Fletcher,

C. J. R. No. 3—Relative to the proclamation of martial law over the counties of Pierce and Thurston, by Isaac I. Stevens, late Governor of Washington Territory,

Was taken from the table;

Mr. Irby moved to consider engrossed and read a third time now.

Mr. Smith moved to amend by striking out in 3d line of the preamble the word "unmerited."

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Bradshaw, Meeker and Smith–3.

Those voting in the negative were—

Messrs. Baker, Balch, Bullard, Crocket, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—15.

So the motion to amend was lost.

Mr. Smith moved to strike out the word "unmerited" in the 3d line of the preamble, and insert the word "merited."

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative, were—

Messrs. Bradshaw, Meeker, Moore, Phillips and Smith—4.

Those voting in the negative, were—

Messrs. Baker, Balch, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckly, Hutchinson, Kellogg, Kelly, Miller, Morrow, Peabody, Seavy, Shaw, Taylor, Wilson and Mr. Speaker—22.

So the motion was lost.

Mr. Kelly moved a call of the House.
Which motion was lost.

Mr. Meeker moved that the House adjourn.
Which motion was lost.

Mr. Meeker moved a call of the House.
Which motion was lost.

Mr. Guthrie in the Chair.

Mr. Kelly moved to strike out all after the preamble.

Mr. Van Cleave moved to strike out in the 2d line of 2d resolve, the words "and such as could be effected by martial law only."

Mr. Fletcher moved that Gen. Maxon, who was then present, be requested to give the House information relative to a personal altercation that had arisen between Mr. Kelly and himself in debate.

Mr. Morrow, who had seconded the motion of Mr. Van Cleave, withdrew his second.

Whereupon, Mr. Van Cleave withdrew his motion to amend.

Mr. Speaker in the chair.

The question being upon the motion to request Gen. Maxon to give information to the House, the motion was carried.

Gen. Maxon stated, that in casting his vote for Mr. Kelly in county convention, he asked him if he would support Gov. Stevens in the Legislature next winter if elected, to which Mr. Kelly replied in the affirmative.

Mr. Kelly, by leave, obtained the floor to make the following explanation:

The question, as I understand it, was, if nominated, would I support Gov. Stevens in the coming election? My answer was, that I claimed to be a democrat—that I had pledged myself there to support the democratic nominee for delegate to Congress, and the nominations of this convention. And I now say that I have faithfully carried out that pledge in every respect; and I further say that the persons who questioned me there and here, have not done so, but have bolted the nominations, and run on what was called "Democratic Ticket No. 2," notwithstanding that each of them had pledged themselves in convention to support the nominees of that convention."

Mr. Irby moved the previous question, which being seconded by the requisite number, the question being

"Shall the main question be now put?" the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Seavy, Shaw, Stillman, Taylor and Mr. Speaker—18.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Crockett, Hinckley, Kellogg, Kelly, Meeker, Moore, Phillips, Smith and Wilson—11.

The main question was ordered to be put.

The question then recurred upon the motion to amend by striking out all after the preamble,

Upon this motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Kellogg, Kelly, Meeker, Moore, Phillips, Seavy Smith and Stillman—12.

Those voting in the negative were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Miller, Morrow, Peabody, Shaw, Taylor, Wilson and Mr. Speaker—17.

So the motion to amend was lost.

The question then recurring on ordering to be engrossed and read a third time, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Irby, Guthrie, Jackson, Hutchinson, Miller, Morrow, Peabody, Shaw, Taylor and Mr. Speaker—15.

Those voting in the negative were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Hinckley, Kellogg, Kelly, Meeker, Moore, Phillips, Seavy, Smith, Stillman and Wilson—14.

So the resolution was read a third time.

The question being upon the adoption of the resolution, the yeas and nays were demanded, which were as follows:

Those voting in the affirmative were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Peabody, Shaw, Taylor and Mr. Speaker—15.

Those voting in the negative were—

Messrs. Anderson, Balch, Bradshaw, Crockett, Hinckley, Kellogg, Kelly, Meeker, Moore, Phillips, Seavy, Smith, Stillman and Wilson—11.

So the resolution was adopted.

On motion of Mr. Guthrie,

The House adjourned.

WEDNESDAY, JANUARY 20, 1858.

House met pursuant to adjournment.

Journal of Tuesday read and approved.

Mr. Shaw moved to expunge from the Journal that part relating to the personal altercation between Messrs. Fletcher and Kelly.

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bullard, Glasgow, Guthrie, Morrow, Peabody, Shaw, Stillman, Taylor and Mr. Speaker—11.

Those voting in the negative, were—

Messrs. Balch, Bradshaw, Crockett, Curtis, Fletcher, Irby, Jack-

son, Hinckly, Hutchinson, Kellogg, Kelly, Meeker, Moore, Phillips, Seavy and Wilson—16.

So the motion was lost.

Mr. Morrow, from the committee on Corporations, submitted the following report:

The committee on Corporations, to whom was referred

H. B. No. 49—An act to incorporate the Steilacoom Library Association of W. T.

Have had the same under consideration, and instructed me to report it back to the House with amendments, and recommend its passage.

WM. M. MORROW,
Chairman.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

H. M. No. 8—Relative to the extension of the donation law, granting settlers donations of the public lands in Washington Territory,

Have had the same under consideration, and have instructed me to report it back with amendment, and recommend its passage.

R. V. PEABODY,
Chairman.

Mr. Smith, from committee on Printing, submitted the following report:

The committee on Printing to whom was referred

C. J. R. No. 2—Relative to the citizens and settlers in Walla Walla county being driven from their claims and houses by the military authority of Washington Territory,

Have had the same under consideration, and have instructed me to report it back to the House with an amendment, and recommend its passage.

H. A. SMITH,
Chairman.

Mr. Moore, from select committee, submitted the following report:

The select committee, to whom was referred

H. B. No. 45—An act to create and organize the county of Spokane,

Have had the same under consideration, and a majority of the committee have instructed me to report the same back without amendment and recommend its passage.

R. S. MOORE,
Chairman.

Mr. Fletcher introduced

H. J. R. No. 15—Relative to the Dred Scott decision.

Read a first time; and,

On motion of Mr. Hinckley,

Rules suspended and read a second time.

On motion of Mr. Anderson,

Laid on the table and ordered to be printed.

Mr. Glasgow introduced

H. B. No. 56—An act to amend an act entitled, "an act to provide for the assessing and collecting of county revenue."

Read a first time; and,

On motion of Mr. Shaw,

Rules suspended and read a second time.

On motion of Mr. Anderson,

Referred to committee on Ways and Means.

Mr. Speaker gave notice that he was about to sign

H. M. No. 6—Praying for an appropriation by Congress to buoy out the north channel of the Columbia river,

H. B. No. 20—An act to define the southern boundary line of Kitsap county,

H. B. No. 13—An act relative to the distribution of the public arms,

H. M. No. 5—Praying for a further appropriation to complete the military road from Fort Steilacoom to Fort Bellingham.

Substitute for H. B. No. 54—An act to locate a Territorial road from Olympia, in Thurston county, to Steilacoom, in Pierce county.

Read a second time; and,

On motion of Mr. Guthrie,

Referred to committee on Roads and Highways.

H. B. No. 54—Relative to declaring a portion of the road from Olympia to Steilacoom, a public highway,

On motion of Mr. Balch,

Was laid on the table.

H. B. No. 49—An act to incorporate the Steilacoom Library Association of Washington Territory,

Which had been reported back from the committee on Corporations, was taken up;

Amendments of committee adopted; and,

On motion of Mr. Morrow,

Read a third time, passed and title agreed to.

H. M. No. 8—Relative to the extension of the donation law, granting settlers donations of public lands in Washington Territory,

Which had been reported from the committee on Memorials, was taken up.

The amendments of the committee were adopted; and,

On motion of Mr. Smith,

Further amended by striking out in 15th and 16th lines, the words "does not own any land," and inserting the words "have not availed themselves of the donation laws of this Territory."

On motion of Mr. Fletcher,

Ordered to be engrossed and read a third time.

Substitute for H. J. R. No. 2—Relative to appointing a commission to compile, revise, and codify the laws of Washington Territory,

Which had been reported back from committee on Judiciary, with amendments, was taken up and amendments adopted.

On motion of Mr. Balch,

Was amended by inserting the words, "compile," and "revise," and striking out the words "and codify," wherever they occurred.

On motion of Mr. Guthrie,

Considered engrossed and ordered to a third reading to-morrow.

H. B. No. 45—An act to create and organize the county of Spokane,

Which had been reported back from select committee, was taken up; and,

On motion of Mr. Anderson,

Laid on the table and ordered to be printed.

Substitute for H. B. No. 40, and C. B. No. 4—Relative to prosecuting attorneys,

Which had been reported back from the committee on the Judiciary, with a substitute, was taken up; and,

On motion of Mr. Meeker,

Laid on the table.

C. J. R. No. 6—Relative to memorials, joint resolutions, &c., addressed to the Congress of the U. S.

Read first time and ordered to a second reading.

C. J. R. No. 7—For the establishment of a port of delivery at Whatcom, W. T.

Read first time; and,

On motion of Mr. Bradshaw,

Rules suspended and read a second time.

On motion of Mr. Crockett,

Referred to committee on Commerce.

C. J. R. No. 8—Relative to the election of Territorial officers.

Read first time; and,

On motion of Mr. Irby,

Rules suspended and read second time and ordered to a third reading.

On motion of Mr. Curtis,

H. B. No. 34—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace,"

Was taken from the table; and,

On motion of Mr. Meeker,

Referred to committee on Judiciary.

On motion of Mr. Irby,

H. B. No. 30—An act authorizing William H. Cooper to establish a ferry,

Which had been reported back from the committee on Corporations, was taken up;

Mr. Stillman moved to amend sec. 2 as follows: in third line insert "10" instead of "15;" in 4th line, insert "25" instead of "30;" in 5th line, insert "30" instead of "50;" and in 6th line, insert "50" instead of "60;" in 7th line, insert "30" instead of "60;" in 8th line, insert "15" instead of "25;" in 9th line, insert "10" instead of "12."

The first and last amendments of which were adopted, and the others rejected.

On motion of Mr. Anderson,

Section 2 was stricken out.

On motion of Mr. Meeker,

Section 4 was stricken out.

On motion of Mr. Anderson,

Considered engrossed and ordered to a third reading.

On motion of Mr. Guthrie,

H. B. No. 35—An act to amend an act entitled, "an act relating to roads and highways," passed January 28th, 1857,

Was taken from the table.

Mr. Stillman moved to amend by striking out in 3d line of sec. 11, the words "as provided for in section 3d of this act."

Pending which,

On motion of Mr. Irby,

Laid on the table and made the order of the day for the 26th of January.

On motion of Mr. Shaw,

H. B. No. 29—An act supplemental and amendatory to an act entitled, "an act to organize the militia,"

Was taken from the table, and the amendment recommended by committee on Military Affairs concurred in.

Mr. Shaw moved to amend in Sec. 8, by striking out in 3d line, the words "at the expense of said county."

Mr. Meeker moved to amend in section 3, by striking out in 1st line, the words "or half breed."

Which motion was lost.

The motion to amend section 8 prevailed.

On motion of Mr. Shaw,

Considered engrossed and read a third time, passed and title agreed to.

On motion of Mr Anderson,

H. B. No. 23—An act declaring so much of the military road leading from Steilacoom to Vancouver as lies within the limits of Lewis county, a territorial road,

Was taken from the table, and the amendment recommended by the committeee on Roads and Highways rejected.

Mr. Anderson offered as an amendment section 2.

Which was adopted.

On motion of Mr. Anderson,

The bill was considered engrossed, and read a third time, passed, and its title agreed to.

On motion of Mr. Bradshaw,

H. M. No. 14—Praying for military post at New Dunginess, and military road from New Dunginess to Port Townsend,

Was taken from the table; and,

On motion of Mr. Shaw,

Considered engrossed and read a third time.

The question being upon the final passge of the bill the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Crocket, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg,

Kelly, Meeker, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—26.

So the memorial passed unanimously.

On motion of Mr. Wilson,

H. M. No. 12—To Brig. Gen. Clarke, of the Pacific Division U. S. Army,

Was taken from the table.

Mr. Shaw moved to consider engrossed and order to a third reading now.

Mr. Bradshaw moved to strike out all after the word "Territory," in 7th line.

Which motion was lost.

Mr. Guthrie moved to amend by striking out after the word "Territory," in line 8th, the words "for the special benefit of a few."

Which motion was lost.

Mr. Crockett moved to amend by striking out the word "benefit," in the 8th line and insert the word "use."

Which motion prevailed.

Mr. Shaw moved to amend by striking out in line 6, the word "or," and inserting after the words "Hood's Canal," the words "Admiralty Inlet, and all other waters adjacent thereto in this Territory."

Which motion prevailed.

Mr. Wilson offered as an amendment section 2.

Which was adopted.

The question then recurring on ordering to be engrossed and read a third time, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Baker, Bullard, Crockett, Curtis, Fletcher, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Meeker, Moore, Morrow, Peabody, Seavy, Shaw, Smith, Stillman and Wilson—20.

Those voting in the negative were—

Messrs. Bradshaw, Glasgow, Kelly and Mr. Speaker—4.

So the memorial was read a third time and passed.

On motion of Mr. Balch,

The House adjourned.

THURSDAY, JANUARY 14th, 1858.

House met pursuant to adjournment.

Journal of Wednesday read and approved.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed to inform the House that the Council have passed

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

H. M. No. 17—To the Secretary of the Treasury of the United States,

H. B. No 53—An act declaring so much of the Territorial road leading from Vancouver to Fort Steilacoom as lies in Thurston county, a Territorial road,

Mr. Miller presented a petition from Morris H. Frost praying for a divorce.

Mr. Balch from the committee on Engrossed Bills, reported as correctly engrossed

H. B. No. 51—An act to amend an act entitled, "an act creating the office and defining the duties of Territorial Auditor,"

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined and find correctly enrolled

H. B. No. 15—An act to prevent the sale of intoxicating liquors to Kanakas,

H. B. No. 10—An act appropriating money from the Territorial treasury to pay for certain printing,

H. B. No. 8—An act to alter the boundary of Whatcom county,

H. B. No. 25—An act appropriating money for the payment of certain fees,

H. J. R. No. 11—Praying for an appropriation or donation of land for the establishment of a lunatic asylum in Washington Territory,

C. J. R. No. 3—Relative to the proclamation of martial law by Governor Stevens.

DAVID PHILLIPS,
Chairman.

Mr. Crockett, from the committee on Roads and Highways, submitted the following report:

The committee on Roads and Highways have had under consideration a petition from twenty citizens of Pierce county praying the vacation of part of the Territorial road from Steilacoom to Seattle, and a remonstrance from thirty-two citizens of Pierce county, against said petition, and after due consideration, recommend that no further action be taken thereon.

The committee have also had under consideration

Substitute for H. B. No. 54—An act to locate a Territorial road from Olympia, in Thurston county, to Steilacoom, in Pierce county,

And recommend that the 4th and 5th sections be stricken out and the accompanying substituted.

S. B. CROCKETT,
Chairman.

Mr. Wilson, from the committee on Commeree, submitted the following report:

The committee on Commerce, to whom was referred

C. J. R. No. 7—For the establishment of a port of delivery at Whatcom, W. T.

Have instructed me to report the same back to the House without amendments and recommend its passage.

H. C. WILSON,
Chairman.

Mr. Shaw, from committee on Military Affairs, submitted the following report:

The committee on Military Affairs, to whom was referred

C. J. R. No. 4—Relative to tendering thanks to Gov. Curry of Oregon, for his manly defence of the volunteer organization of the Territory of Oregon and Washington,

Have had the same under consideration, and have instructed me to report the same back with the following amendment and recommend its passage:

Strike out all after the word "Legislature" in the 7th line, and insert the words "and the past volunteer organization of Oregon Territory has the unqualified thanks of this Legislature for their efficient service in co-operating with the volunteers of this Territory in prosecuting the late Indian war.

The committee have also had under consideration

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of W. T. by Gen. Wool concerning the late war in W. T.

And have instructed me to report the same back amended by striking out the words "and steptoe," wherever they occur, and recommend its passage.

B. F. SHAW,
Chairman.

Mr. Balch, from committee on Military Affairs, gave notice that he would submit a minority report relative to C. J. R. No. 4, and also,

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of Washington Territory by Gen. Wool, at the time of the late war,

Mr. Smith moved that the committee on Printing be instructed to procure 500 blank yeas and nays for the use of the Clerk.

On motion of Mr. Balch,

The motion was amended by including 300 copies of C. J. R. No. 3, for the use of the House.

Mr. Balch introduced

H. M. No. 22—For the relief of Allen M. Porter.

Read a first time; and,

On motion of Mr. Meeker,

Rules suspended and read a second time.

On motion of Mr. Smith,

Referred to committee on Memorials.

Mr. Seavy introduced

H. B. No. 57—Relative to establishing the north-west boundary of Jefferson county.

Read a first time; and,

On motion of Mr. Peabody,

Rules suspended and read a second time.

On motion of Mr. Wilson,

So the resolution was read a third time.

On motion of Mr. Wilson,

Referred to committee on Counties.

Mr. Speaker gave notice that he was about to sign

H. B. No. 15—An act to prevent the sale of intoxicating liquors to Kanakas,

H. B. No. 10—An act appropriating money from the Territorial treasury to pay for certain printing,

H. B. No. 8—An act to alter the boundary of Whatcom county,

H. B. No. 25—An act to appropriate money for the payment of certain fees, and

C. J. R. No. 3—Relative to the proclamation of martial law over the counties of Pierce and Thurston, by Isaac I. Stevens, late Governor of Washington Territory.

C. J. R. No. 6—Relative to memorials, joint resolutions, &c., addressed to the Congress of the U. S.

Read a second time; and,

On motion of Mr. Balch,

Laid on the table and ordered to be printed.

H. B. No. 51—An act to amend an act entitled, "an act creating the office and defining the duties of Territorial Auditor,"

Read a third time, passed and title agreed to.

Substitute for H. J. R. No. 2—Relative to appointing a commission to compile, revise, and codify the laws of Washington Territory,

Read a third time and passed.

C. J. R. No. 8—Relative to election of Territorial officers,

Read a third time.

Mr. Meeker moved to re-consider the vote by which C. J. R. No. 8, was ordered to a third reading.

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Crockett, Curtis, Glasgow,

Guthrie, Irby, Hutchinson, Hinckly, Kelly, Meeker, Miller, Moore, Morrow, Phillips, Seavy, Smith, Stillman and Wilson—20.

Those voting in the negative, were—

Messrs. Balch, Bullard, Fletcher, Jackson, Kellogg, Peabody, Shaw, Taylor and Mr. Speaker—7.

So the vote was re-considered.

Mr. Meeker moved to amend by striking out "27th," and inserting "22d" instead.

Which motion was lost.

On motion of Mr. Kelly,

Amended by inserting the words "11 o'clock, A. M."

On motion of Mr. Morrow,

Was read a third time and adopted.

Petition of Morris H. Frost praying for a divorce, was taken up.

On motion of Mr. Balch,

Referred to committee on Corporations.

Petition and remonstrance from citizens of Pierce county, relative to a Territorial road,

Which had been reported back from committee on Roads and Highways with a recommendation that no further action be taken, was taken up, and report of committee adopted.

Substitute for H. B. No. 54—An act to locate a Territorial road from Olympia, in Thurston county, to Steilacoom, in Pierce county,

Which had been reported back from committee on Roads and Highways with an amendment, was taken up, and amendments of committee adopted.

On motion of Mr. Balch,

Laid on the table and ordered to be printed.

C. J. R. No. 7—For the establishment of a port of delivery at Whatcom, W. T.

Which had been reported back from committee on Commerce, was taken up; and,

On motion of Mr. Morrow,

Read a third time and adopted.

C. J. R. No. 4—Relative to tendering thanks to Gov. Curry of Oregon, for his manly defence of the volunteer organization of the Territory of Oregon and Washington,

Which had been reported back from the committee on Military Affairs with an amendment, was taken up and the amendment adopted.

On motion of Mr. Moore,

Read a third time.

The question being upon the adoption of the resolution, the yeas and nays were demanded, which were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Moore, Morrow, Peabody, Phillips, Shaw, Smith, Stillman Taylor and Mr. Speaker—25.

Those voting in the negative were—

Mr. Balch—1.

So the resolution was adopted.

On motion of Mr. Smith,

Leave of absence was granted to Mr. Guthrie until Monday next.

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of Washington Territory by Gen. Wool, at the time of the late war,

Which had been reported back from committee on Military Affairs with amendments, was taken up.

Mr. Moore moved to amend the amendment of the committee by striking out the words "and Col. Wright" wherever they occurred.

Which motion was lost.

The amendments of the committee were adopted.

On motion of Mr. Curtis,

Amended by striking out the letter "s" wherever it occurred attached to the word "Col."

Mr. Bradshaw moved to strike out the words "false and malicious slanders," and insert the word "misrepresentations."

Which motion was lost.

Mr. Meeker moved to strike out the 2d clause of the preamble.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative, were—

Messrs. Bradshaw, Kellogg, Meeker, Moore, Phillips, Smith and Stillman—7.

Those voting in the negative, were—

Messrs. Anderson, Baker, Balch, Bullard, Crockett, Curtis. Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckly, Hutchinson, Kelly, Morrow, Peabody, Seavy, Shaw, Taylor, and Mr. Speaker—20.

So the amendment was rejected and the resolution ordered to a third reading.

On motion of Mr. Anderson,

C. B. No. 3—Relative to appropriating money from the Territorial treasury to pay Jas. McDonald and others for the arrest of Patrick Reagan,

Was taken from the table, and the pending amendment to strike out "200" and insert "300," of the committee on Claims, was adopted.

On motion of Mr. Anderson,

Read a third time, passed, title amended and agreed to.

Mr. Morrow moved that nine hundred and ninety-nine and ninety-nine hundredths of a copy of the Maine, New Hampshire and Connecticut resolutions laid before the House by the Governor, be printed for the use of the House and its officers.

Which motion was lost.

On motion of Mr. Meeker,

The House resolved itself into committee of the whole to take under further consideration H. B. No. 11—An act relative to estrays, with Mr. Balch in the chair.

After some time spent in committee of the whole, the committee arose and reported the bill back with amendments, and asked to be discharged from the further consideration of the subject.

On motion of Mr. Kelly,

The report of the committee of the whole was adopted.

On motion of Mr. Meeker,

The House adjourned.

FRIDAY, JANUARY 22, 1858.

House met pursuant to adjournment.

Absent—Messrs. Fletcher, Glasgow, Kelly, Meeker, Miller, Moore, Seavy, Smith, Stillman and Wilson.

Journal of Thursday read and approved.

Message from the Council by their Clerk—

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed

H. B. No. 27—An act to amend an act entitled, "An act relative to weights and measures."

The President of the Council has signed

H. M. No. 5—Praying for a further appropriation to complete the military road from Fort Steilacoom to Fort Bellingham.

H. B. No. 13—An act relative to the distribution of the public arms,

H. B. No. 20—An act to define the southern boundary line of Kitsap county,

H. M. No. 6—Praying for an appropriation by Congress to buoy out the north channel of the Columbia river.

On motion of Mr. Bradshaw,

The House adjourned.

SATURDAY, JANUARY 23, 1858.

House met pursuant to adjournment.

Absent—Messrs. Curtis, Meeker, Miller and Stillman.

Journal of Friday read and approved.

Mr. Baker presented a petition from J. W. Goodell and others, relative to a Territorial road.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined and find correctly enrolled

H. M. No. 7—Praying for a military road from the military post at Port Townsend to intersect the military road from Fort Steilacoom to Fort Vancouver,

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier. Also,

H. B. No. 38—An act to dissolve the bonds of matrimony existing between Charles J. Bird and Whe-losh-ban Em-tuts Bird.

DAVID PHILLIPS,
Chairman.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

H. M. No. 22—For the relief of Allen M. Porter,

Have had the same under consideration, and have instructed me to report it back to the House without amendment, and recommend its passage.

R. V. PEABODY,
Chairman.

Mr. Morrow introduced

H. B. No. 38—An act to provide for a special session of the Supreme Court of Washington Territory.

Read a first time.

Mr. Shaw moved to suspend the rules and read a second time now.

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative, were—

Messrs. Baker, Balch, Bradshaw, Bullard, Crockett, Curtis, Glasgow, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Taylor, Wilson and Mr. Speaker—23.

Those voting in the negative were—None.
The bill was read a second time.

On motion of Mr. Kelly,

Amended by inserting in section 3, the words "by express."

On motion of Mr. Irby,

Amended by inserting in section 3, the words "now in this Territory."

On motion of Mr. Irby,

Rules suspended and read a third time now.

The question being upon the final passge of the bill the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Bullard, Curtis, Glasgow, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Taylor, Wilson and Mr. Speaker—23.

Those voting in the negative were—None.

So the bill passed unanimously.

On motion of Mr. Smith,

The Clerk was instructed to report forthwith to the Council the passage of said bill.

H. B. No. 30—An act authorising William H. Cooper to establish a ferry,
Read a third time, passed and title agreed to.

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of W. T. by Gen. Wool concerning the late war in W. T.
Read a third time.

The question being upon its adoption, yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Baker, Bullard, Crockett, Curtis, Glasgow, Irby, Hutchinson, Kelly, Miller, Morrow, Peabody, Seavy, Shaw, Stillman, Taylor and Mr. Speaker—16.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Hinckley, Kellogg, Moore and Wilson—6.

So the resolution was adopted.

Mr. Speaker gave notice that he was about to sign

H. M. No. 7—Praying for a military road from the military post at Port Townsend to intersect the military road from Fort Steilacoom to Fort Vancouver,

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

H. M. No. 19—Relative to John Y. Sewell. Also,

H. B. No. 38—An act to dissolve the bonds of matrimony existing between Chas. J. Bird and Whe-losh-han Em-tuts Bird.

The petition of J. W. Goodell and others relative to a Territorial road, was taken up.

On motion of Mr. Hinckley,

Referred to committee on Roads and Highways.

H. M. No. 22—For the relief of Allen L. Porter,

Which had been reported back from committee on Memorials, was taken up.

On motion of Mr. Hinckley,

Read a third time and passed.

H. B. No. 27—An act to amend an act relative to weights and measures,

Was taken up, and Council amendment concurred in.

On motion of Mr. Balch,

The Clerk was instructed to report all finished business to the Council.

On motion of Mr. Bullard,

H. B. No. 52—An act to unite the counties of Pacific and Chehalis and provide for the organization of the same,

Was taken from the table.

Mr. Bullard moved that now be assigned as the time for its third reading.

On motion of Mr. Van Cleave,

Amended by inserting in the first line of section 6, after the word "created," the words "elect two representatives, and shall."

On motion of Mr Anderson,

The bill was continued on its second reading, and made the order of the day for the 26th day of January.

On motion of Mr. Irby,

H. B. No. 45—An act to create and organize the county of Spokane,

Was taken from the table,

Mr. Irby moved that it be read a third time now.

On motion of Mr. Shaw,

Amended in 2d line of section 4, by striking out "James" and inserting "Lewis," before the name McLeod.

On motion of Mr. Shaw,

Was further amended by striking out the name of "Angus McLeod," and inserting the name of "William McCreary."

On motion of Mr. Miller,

Judge Yantis, who was then present, was requested to come forward and give the House information relative to the country proposed to be embraced in the county of Spokane.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the Council have passed

H. B. No. 58—An act to provide for a special term of the Supreme Court of Washington Territory.

Also, that the Council have concurred in House amendments to

C. B. No. 3—An act appropriating money from the Territorial treasury to pay James McDonald and others for the arrest of Patric Reagan.

On motion of Mr. Morrow,

H. B. No. 45—An act to create and organize the county of Spokane,

Was re-committed to committee on counties.

Mr. Phillips, from committee on Enrolled Bills, submitted the following report:

The committee on Enrolled Bills have examined

H. B. No. 58—An act to provide for a special term of the Supreme Court,

H. M. No. 4—Praying that two armed steamers be stationed on the north-west coast,

H. J. R. No. 12—Relative to the establishment of a marine hospital in Washington Territory, and H. M. No. 3,

And report the same as correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Speaker gave notice that he was about to sign

H. B. No. 58—An act to provide for a special term of the Supreme Court of Washington Territory,

H. M. No. 4—Praying that two armed steamers be stationed on the north-west coast,

H. B. No. 12—Relative to establishing a marine hospital in Washington Territory, and H. M. No. 3.

On motion of Mr Anderson,

Substitute for H. B. No. 40, and C. B. No. 4—Relative to prosecuting attorneys,

Was taken from the table.

On motion of Mr. Balch,

The Clerk was instructed to report all finished business to the Council.

On motion of Mr. Moore,

The House adjourned.

MONDAY, JANUARY 25th, 1858.

House met pursuant to adjournment.

Absent—Messrs. Glasgow, Kellogg and Smith.

Journal of Saturday read and approved.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined

H. M. No. 17—To the Secretary of the Treasury of the United States,

H. B. No. 24—An act to establish a board of Pilot Commissioners for Columbia river,

H. M. No. 18—Relative to military road from Steilacoom to Vancouver,

H. M. No. 20—Praying for an appropriation to re-locate, build and clear of obstructions the military road from Fort Steilacoom to Walla Walla valley,

H. B. No 53—An act declaring so much of the Territorial road leading from Vancouver to Fort Steilacoom as lies in Thurston county, a military road,

And report the same correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Anderson, from the committee on Judiciary, submitted the following report:

The committee on Judiciary, to which was referred

H. B. No. 34—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace,"

Have had the same under consideration, and have instructed me to report it back to the House without amendment, and recommend its passage.

The committee have also had under consideration

H. B. No. 28—An act to amend an act entitled, "an act to regulate the practice and proceedings in civil actions,"

H. B. No. 43—An act to amend an act entitled, "an act to exempt certain property from attachment and execution."

And have instructed me to report a substitute in lieu of the original bills, and recommend its passage.

J. W. ANDERSON,
Chairman.

Mr. Wilson introduced

H. J. R. No. 16—Relative to the arrest of the murderers of Col. I. N. Ebey and others.

Read first time; and,

On motion of Mr. Shaw,

Rules suspended and read a second time.

On motion of Mr. Guthrie,

Rules further suspended and read a third time and adopted.

Mr. Stillman introduced

H. B. No. 59—An act to amend an act entitled, "an act to regulate the practice and pleadings for prosecutions in crimes."

Read first time; and,

On motion of Mr. Stillman,

Rules suspended and read a third time now.

On motion of Mr. Kelly,

Referred to committee on Judiciary.

On motion of Mr. Meeker,

A committee of three was appointed was appointed to prepare a scale for the measurement of logs and lumber in Washington Territory.

The Chair announced Messrs. Meeker, Wilson and Seavy, as said committee.

Mr. Guthrie, pursuant to leave granted on a previous day, re-introduced

H. B. No. 12—An act to regulate the draining of marsh and swamp lands.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the President of the Council has signed the following bills, joint resolutions and memorials:

H. J. R. No. 11—Praying for an appropriation or donation of land for the establishment of a lunatic asylum in Washington Territory,

H. M. No. 19—Relative to John Y. Sewell,

H. M. No. 10—Relative to a semi-weekly mail between Olympia and Ranier,

H. B. No. 8—An act to alter the boundary of Whatcom county,

H. M. No. 4—Praying that two armed steamers be stationed on the north-west coast,

H. M. No. 7—Praying for a military road from the military post at Port Townsend to intersect the military road from Fort Steilacoom to Fort Vancouver,

H. J. R. No. 12—Relative to the establishment of a marine hospital in W. T.,

H. B. No. 38—An act to dissolve the bonds of matrimony existing between Charles J. Bird and Whe-losh-ban Em-tuts Bird,

H. M. No. 3—Praying Congress to confirm treaties made with Indians in Washington Territory,

C. J. R. No. 3—Relative to the proclamation of martial law over the counties of Pierce and Thurston, by Isaac I. Stevens, late Governor of Washington Territory,

H. B. No. 15—An act to prevent the sale of intoxicating liquors to Kanakas,

H. B. No. 25—An act appropriating money for the payment of certain fees,

H. B. No. 58—An act to provide for a special term of the Supreme Court,

Also, of the introduction in the Council of

C. J. R. No. 9—Relative to the Legislature adjourning *sine die* on the 29th inst.,

C. B. No. 7—An act making additional compensation to the Territorial Auditor.

Also, that the Council have passed

C. B. No. 5—An act in relation to recording town plats,

C. B No. 6—An act relative to the vacation of town plats.

Also, the Council have passed with amendments

H. B. No. 21—An act authorizing the county commissioners to put the convicts of the county jail to labor.

Also, the Council have concurred in House amendments to

Substitute for C. J. R. No. 2—Relative to appointing a commission to compile, revise, and codify the laws of Washington Territory,

C. B. No. 3—Relative to appropriating money from the Territorial treasury to pay Jas. McDonald and others for the arrest of Patrick Reagan,

C. J. R. No. 8—Relative to the election of Territorial officers,

C. J. R. No. 4—Relative to tendering thanks to Gov. Curry, of Oregon, for his manly defence of the volunteer organization of the Territory of Oregon and Washington.

On motion of Mr. Guthrie,

Rules suspended and H. B. No. 12 read a second time.

On motion of Mr. Morrow,

Rules suspended and read a second time now.

On motion of Mr. Moore,

Referred to committee on Agriculture.

Mr. Irby introduced

H. B. No. 60—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace."

Read a first time; and,

On motion of Mr. Meeker,

Rules suspended and read a second time.

On motion of Mr. Moore,

Referred to committee on Judiciary.

Mr. Speaker gave notice that he was about to sign

H. M. No. 20—Praying for an appropriation to re-locate and build and clear of obstructions the military road from Fort Steilacoom to Walla Walla valley,

H. B. No. 53—An act declaring so much of the military road leading from Vancouver to Fort Steilacoom as lies in Thurston county, a Territorial road,

H. M. No. 17—To the Secretary of the Treasury of the U. S.,

H. M. No. 18—Relative to military road from Steilacoom to Vancouver; and,

H. B. No. 24—An act to establish a board of pilot commissioners for the Columbia river.

H. M. No. 8—Relative to the extension of the donation law, granting settlers donations of public lands in Washington Territory,

Was taken up; and,

On motion of Mr. Morrow,

Read a third time.

The question being upon its final passage, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Irby, Jackson, Hutchinson, Kelly, Meeker, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—24.

Those voting in the negative were—

Messrs. Balch and Hinckley—2.

H. B. No. 34—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace,"

Which had been reported back from the committee on Judiciary, was taken up.

On motion of Mr. Shaw,

Considered engrossed and read a third time.

The question being upon its passage, yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bullard, Crockett, Curtis, Flether, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Meeker, Miller, Moore, Morrow, Peabody, Seavy, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—24.

Those voting in the negative were—

Messrs. Bradshaw and Kelly—2.

So the bill was passed and its title agreed to.

H. B. No. 43 and H. B. No. 28, which had been reported back from committee on Judiciary with a substitute, was taken up.

Substitute for H. B. No. 43 and H. B. No. 25—An act to amend an act entitled, "an act to regulate the practice and proceeding in civil actions,"

Read a first time; and,

On motion of Mr. Balch,

Rules suspended and read a second time.

On motion of Mr. Smith,

Laid on the table and ordered to be printed.

On motion of Mr. Crockett,

H. B. No. 43 and H. B. No. 28 were laid on the table.

H. B. No. 21—An act authorising the county commissioners to put the convicts of the county jail to labor,

Which had been amended by the Council, was taken up, and amendments concurred in.

C. B. No. 5—An act in relation to recording town plats,

Read a first time; and,

On motion of Mr. Balch,

Rules suspended and read a second time now.

On motion of Mr. Smith,

Referred to committee on Corporations.

C. B. No. 6—An act relative to the vacation of town plats,

Read a first time; and,

On motion of Mr. Morrow,

Rules suspended and read a second time.

On motion of Mr. Shaw,

Referred to committee on Corporations.

H. B. No. 50—An act to amend an act relating to deeds,
Was taken from the table; and,

On motion of Mr. Shaw,

Considered engrossed, read a third time, passed, and title agreed to.

On motion of Mr. Shaw,

Considered engrossed, read a third time, passed, and title agreed to.

On motion of Mr. Balch,

H. B. No. 36—An act providing for the registry of births, marriages and deaths,
Was taken from the table; and,

On motion of Mr. Curtis,

Referred to committee on Judiciary.

On motion of Mr. Meeker,

H. B. No. 54—Relative to declaring a portion of the road from Olympia to Steilacoom, a public highway,
Was taken from the table; and,

On motion of Mr. Morrow,

Considered engrossed and read a third time and passed.

On motion of Mr. Shaw,

Title amended and agreed to.

On motion of Mr. Irby,

H. B. No. 41—An act to amend an act entitled, "an act relating to elections and the mode of supplying vacancies,"

Was taken from the table.

Mr. Kelly moved that the bill, with pending amendments, be indefinitely postponed.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Balch, Bradshaw, Curtis, Fletcher, Hinckly, Hutchinson, Kelly, Seavy, Stillman, Taylor and Wilson—13.

Those voting in the negative were—

Messrs. Baker, Bullard, Crockett, Guthrie, Irby, Jackson, Moore, Morrow, Peabody, Phillips, Shaw, Smith and Mr. Speaker—13.

So the motion was lost.

On motion of Mr Anderson,

Laid on the table and made the order of the day for the first day of February.

On motion of Mr. Peabody,

H. M. No. 15—Praying the amendment of the pre-emption law, as regards pre-empting in Washington Territory,

Was taken from the table.

On motion of Mr. Bradshaw,

The 9th and 10th lines were stricken out.

On motion of Mr. Balch,

The word "because" was stricken out wherever it occurred.

On motion of Mr. Smith,

The "if," at the commencement of the 4th paragraph was stricken out.

On motion of Mr. Peabody,

Considered engrossed and read a third time and passed.

On motion of Mr. Morrow,

The House adjourned.

TUESDAY, JANUARY 26th, 1858.

House met pursuant to adjournment.

Absent—Messrs. Kellogg and Smith.

Journal of Monday read and approved.

Mr. Phillips, from committee on Enrolled Bills, submitted the following report:

The committee on Enrolled Bills have examined

C. J. R. No. 7—For the establishment of a port of delivery at Whatcom, W. T.,

H. B. No. 14—An act to amend an act entitled, "an act to incorporate the City of Vancouver,"

Substitute for C. J. R. No. 2—Relative to appointing a commission to compile, revise, and codify the laws of Washington Territory,

C. J. R. No. 8—Relative to the election of Territorial officers,

C. J. R. No. 4—Relative to tendering thanks to Gov. Curry, of Oregon, for his manly defence of the volunteer organization of the Territory of Oregon and Washington.

And report the same as correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Jackson, from the committee on Counties, submitted the following report:

The committee on Counties to whom was referred

H. B. No. 55—An act to apportion the representation of the Legislative Assembly of Washington Territory,

Have had the same under consideration, and a majority of the committee have instructed me to report it back to the House with the following amendments:

That section 1 be amended so as to read in the 4th line, "Pierce and Spokane shall elect one."

That section 2 be amended so as to read in the first and second lines, "Spokane and Walla Walla shall elect one; Skamania shall elect one;" and in the third and fourth lines so as to read, "Thurston shall elect six; Sawamish shall elect one."

HENRY JACKSON,
Chairman.

Mr. Jackson, from the committee on Counties, submitted the following report:

The committee on Counties, to whom was referred

H. B. No. 45—An act to create and organize the county of Spokane,

Have had the same under consideration, and a majority of said committee have instructed me to report it back without amendment, and recommend its passage.

HENRY JACKSON,
Chairman.

Mr. Morrow, from the committee on Corporations, submitted the following report:

The committee on Corporations, to whom was referred the petition of Albert Eggers and others, praying to be incorporated into a body corporate, by the name and style of the "Olympia Musical Association," have had the same under consideration, and beg leave to report by bill and recommend its passage.

They have also had under consideration the petition of Morris H. Frost, praying a divorce from his wife, Mary A. Frost, and beg leave to report by bill, and recommend its passage.

Accompanying this report, we will give our reasons why we urge the passage of this bill.

In the first place, they would state that they are unable to determine the reason why this petition was referred to that committee, unless it be from the fact that they are opposed to all acts of incorporation without a repealing clause. If the alliance of Mr. and Mrs. Frost is to be considered an act of incorporation, it is a vexed question with the committee to determine from the petition the real cause of the separation, unless there proved to be a failure to perform what is supposed to be the provisions of the original contract on the part of the male party to the contract, in consequence of which the female party of the body corporate, considered herself Frost-bitten, and wisely came to the conclusion that Chicago, Ill., was a little too far north for the successful production of certain varieties of tender fruit, and withdrew from the firm, refusing any longer to be a partner in the corporation. Thus proving to a demonstration, the correctness of the principle assumed by the committee, that in all acts of incorporation there should be a repealing clause.

This corporation, once thought to be one body, is found to be two—utterly failing to fulfil the original intention of the parties. For these reasons, your committee are of opinion that the original act of incorporation should be repealed.

The committee have also had under consideration the petition of

Morris H. Frost and twelve others, praying to be incorporated into a body corporate by the name and style of the "Bainbridge Island Coal Company," and report that they have taken no action thereon for the want of proper information from the petitioners.

WM. M. MORROW,
Chairman.

Mr. Crockett, from the committee on Roads and Highways, submitted the following report:

The committee on Roads and Highways have had under consideration a petition from citizens of this Territory, praying for a Territorial road from Grand Mound Prairie to Gray's Harbor, and beg leave to report by bill.

S. B. CROCKETT,
Chairman.

Mr. Guthrie, from committee on Agriculture, submitted the following report:

The committee on Agriculture, to whom was referred

H. B. No. 12—An act to regulate the draining of marsh and swamp lands,

Have had the same under consideration, and report the same back with amendments, and recommend its passage,

STEPHEN GUTHRIE,
Chairman.

Mr. Speaker gave notice that he was about to sign

C. J. R. No. 2—Relative to citizens and settlers in Walla Walla county being driven from their claims and houses by the military authority of W. T.,

C. J. R. No. 4—Relative to tendering thanks to Gov. Curry for his defence of the volunteer organization,

C. J. R. No. 8—Relative to election of Territorial officers,

H. B. No. 14—An act to amend an act entitled, "an act to incorporate the city of Vanconver," and

C. J. R. No. 7—For the establishment of a port of delivery at Whatcom, W. T.

Mr. Fletcher introduced

H. J. R. No. 17—Relative to a joint committee to investigate the conduct of certain civil authorities.

Read a first time; and,

On motion of Mr. Fletcher,

Rules suspended and read a second time.

Mr. Curtis in the Chair.

On motion of Mr. Crockett,

Referred to committee on Judiciary.

Mr. Anderson moved to proceed to the orders of the day.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the Council have passed

C. J. R. No. 9—Relative to the Legislature adjourning *sine die* on the 29th inst.

Mr. Speaker in the Chair.

The question being on the motion to proceed to the orders of the day, it was carried.

On motion of Mr. Balch,

Substitute for H. B. No. 40, and C. B. No. 4—Relative to prosecuting attorneys,

Was taken from the table.

Read a second time.

On motion of Mr. Meeker,

Laid on the table.

H. B. No. 9—An act to repeal an act entitled, "an act to amend an act entitled, 'an act to increase county revenue,'"

Was taken up.

Mr. Meeker moved that it be indefinitely postponed.

Message from the Council by their Clerk—

Mr. Speaker:—I am instructed by the Council to inform the House that the Council have passed with amendment

H. M. No. 21—Praying Congress to extinguish the rights of the foreign corporations in Washington Territory,

Also, that the Council have passed and agreed to the titles of the following bills:

H. B. No. 23—An act declaring so much of the military road leading from Steilacoom to Vancouver as lies within the limits of Lewis county, a territorial road,

H. B. No. 31—An act dissolving the bonds of matrimony existing between Julia A. Lendingham and A. L. Lendingham.

Also, the Council have passed

H. M. No. 22—For the relief of Allen M. Porter,

H. B. No. 30—An act authorizing William H. Cooper to establish a ferry,

Also, the Council have indefinitely postponed

H. B. No. 19—An act to confer civil jurisdiction upon probate courts, and regulate the practice therein.

Upon the motion to indefinitely postpone H. B. No. 9, the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Guthrie, Irby, Jackson, Hinckley, Kelly, Meeker, Miller, Moore, Phillips, Seavy, Stillman, Taylor and Wilson—16.

Those voting in the negative were—

Messrs. Anderson, Bullard, Crockett, Curtis, Fletcher, Glasgow, Hutchinson, Morrow, Peabody, Shaw, Smith and Mr. Speaker—12.

So the bill was indefinitely postponed.

Mr. Fletcher gave notice that on to-morrow he would move to amend the rules.

H. B. No. 32—An act to re-locate the Territorial Univeraity,

Was taken up; and,

On motion of Mr. Morrow,

Amended after section 1 as follows:

"Provided a good and sufficient deed to one hundred and sixty acres of land be first executed to the Territory of Washington."

Mr. Phillips moved to indefinitely postpone the bill.

Upon this motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Baker, Bradshaw, Glasgow, Hinckley, Kelly, Meeker, Peabody, Phillips, Seavy, Smith, Wilson and Mr. Speaker—12.

Those voting in the negative were—

Messrs. Anderson, Balch, Bullard, Crockett, Curtis, Flether, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Miller, Moore, Shaw, Stillman, and Taylor—17.

So the motion was lost.

Mr. Anderson moved that the bill be considered engrossed and read a third time now.

On motion of Mr. Stillman,

A call of the House was made.

Absent—Mr. Irby.

On motion of Mr. Balch,

The Sergeat-at-arms was dispatched for absent members.

On motion of Mr. Meeker,

A farther call of the House was dispensed with.

Mr. Smith moved to amend by striking out the words "Cowlitz Farm Prairie, in Lewis county," and insert the word "Seattle, in King county."

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Crockett, Hinckly, Kellogg, Meeker, Peabody, Phillips and Smith—7.

Those voting in the negative, were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Moore, Morrow, Seavy, Shaw, Stillman, Taylor, Wilson, and Mr. Speaker.—22.

So the motion to amend was lost.

On motion of Mr. Guthrie,

Amended in third line of section 3, after the word "land," by inserting the words "on an elligible part of said prairie."

The question then recurring on ordering to be engrossed and read a third time, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Meeker, Miller, Morrow, Seavy, Shaw, Stillman, Taylor and Wilson—21.

Those voting in the negative were—

Messrs. Balch, Hinckley, Kelly, Moore, Peabody, Phillips, Smith and Mr. Speaker—8.

So the bill was read a third time.

The question being upon its final passage, the yeas and nays were demanded and resulted as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Moore, Morrow, Seavy, Shaw, Stillman and Taylor—17.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Crockett, Glasgow, Hinckley, Kellogg, Meeker, Peabody, Phillips, Smith, Wilson and Mr. Speaker—12.

So the bill was passed and its title agreed to.

H. B. No. 35—An act to amend an act entitled, "an act relating to roads and highways," passed January 28th, 1857.

Was taken up; and,

On motion of Mr. Crockett,

Re-committed to committee on Roads and Highways.

On motion of Mr. Guthrie,

The House adjourned.

WEDNESDAY, JANUARY 27, 1858.

House met pursuant to adjournment.

Rules suspended and read a third time now.

Absent—Mr. Stillman.

Journal of Tuesday read and approved.

Mr. Anderson, from the committee on Judiciary, submitted the following report:

The committee on Judiciary have had under consideration

H. B. No. 59—An act to amend an act entitled, "an act to regulate the practice and pleadings for prosecutions in crimes."

And have instructed me to report the same back without amendment, and recommend its passage.

J. W. ANDERSON,
Chairman.

Mr. Phillips, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined

H. B. No. 27—An act to amend an act entitled, "An act relative to weights and measures," and

C. B. No. 3—An act appropriating money from the Territorial treasury to pay James McDonald and others for the arrest of Patric Reagan,

And report the same correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Fletcher introduced

H. J. R. No. 18—Relative to citizens' meeting and Governor McMullin.

Read first time and ordered to a second reading.

Mr. Bradshaw introduced

H. B. No. 61—An act to amend an act entitled, "an act to regulate fees and costs."

Read a first time and ordered to a second reading.

Mr. Fletcher introduced

H. B. No. 62—An act to repeal an act entitled, "an act to encourage the building of bridges, plank and turnpike roads."

Read a first time.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the President of the Council has signed

H. M. No. 18—Relative to military road from Steilacoom to Vancouver,

H. B. No 53—An act declaring so much of the Territorial road leading from Vancouver to Fort Steilacoom as lies in Thurston county, a military road,

H. B. No. 24—An act to establish a board of Pilot Commissioners for Columbia river,

H. M. No. 20—Praying for an appropriation to re-locate, build and clear of obstructions the military road from Fort Steilacoom to Walla Walla valley,

H. M. No. 17—To the Secretary of the Treasury of the United States, and,

C. J. R. No. 8—Relative to the election of Territorial officers.

Mr. Speaker gave notice that he was about to sign

H. B. No. 27—An act to amend an act relative to weights and measures, and

C. B. No. 3—Relative to appropriating money from the Territorial treasury to pay Jas. McDonald and others for the arrest of Patrick Reagan,

H. B. No. 55—An act to apportion the representation of the Legislative Assembly of Washington Territory.

Which had been reported back from committee on Counties with amendments, was taken up.

Mr. Balch moved to indefinitely postpone.

Mr. Fletcher moved to lay on the table.

Which motion prevailed.

H. B. No. 45—An act to create and organize the county of Spokane,

Which had been reported back from committee on Counties was taken up; and,

On motion of Mr. Shaw,

Amended in section 4, by striking out the name of "Louis Brown" and inserting the name of "Patrick McKinzie."

Message from the Council by their Clerk—

Mr. SPEAKER:—I am instructed by the Council to inform the House that the Council are now ready to meet the House in joint convention for the election of Territorial officers.

Mr. Peabody moved to lay H. B. No. 45 on the table, and make the order of the day for the first day of February.

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Balch, Bradshaw, Bullard, Crockett, Hinckly, Kellogg, Kelly, Meeker, Moore, Peabody, Phillips, Seavy, Smith and Wilson—14.

Those voting in the negative, were—

Messrs. Anderson, Baker, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Morrow, Shaw, Stillman, Taylor, and Mr. Speaker.—15.

So the motion to amend was lost.

On motion of Mr. Kelly,

The Clerk was instructed to inform the Council that the House was now ready to meet them in joint convention for the purpose of electing Territorial officers.

The members of the Council having assembled in the hall of the House of Representatives, the two bodies resolved themselves into Joint Convention in pursuance of Joint Resolution passed January 21st, providing for the election of one Territorial Printer, one Territorial Treasurer, one Territorial Librarian, one Adjutant General, one Quartermaster-General, and one Commissary General.

The President of the Council in the Chair.

Mr. Van Vleet moved to proceed to the election of a Territorial Printer.

Mr. Smith moved to amend the motion by electing *viva voce*.

Which amendment was accepted.

Mr. Balch rose to a point of order, stating the motion to be out of order, as he construed the law as requiring the Territorial officers to be elected by ballot.

The Chair decided the motion to be out of order, as his understanding of the resolution, which was the law calling the convention into existence, did not specify how the election should proceed.

From this decision Mr. Balch took an appeal.

The question being—"Shall the decision of the Chair be sustained?"

Upon this motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. La Du, Maxon, Phillips and Van Vleet, of the Council—4.

Messrs. Baker, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Miller, Peabody, Phillips, Shaw, Smith, Taylor and Mr. Speaker, of the House—18.

Those voting in the negative were—

Messrs. Denny and Wallace of the Council—2.

Messrs. Anderson, Balch, Bradshaw, Hinckley, Kelly, Meeker, Moore, Morrow, Seavy, Stillman and Wilson of the House—11.

Yeas—22. Nays—13.

So the decision of the Chair was sustained.

Mr. Van Vleet put in nomination the name of Edward Furste for Territorial Printer.

Mr. Balch put in nomination the name of J. W. Wiley.

Upon a vote being taken, the result was as follows:

Of the Council—

For Edward Furste—Messrs. La Du, Maxon, Phillips, Van Vleet and Mr. President—5.

Blank—Mr. Denny—1.

Of the House—

For Edward Furste—Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Miller, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor and Mr. Speaker—20.

For Mr. Wiley—Mr. Meeker—1.

For Mr. Cock—Mr. Crockett—1.

For Jubiter—Mr. Hinckley—1.

For. Either—Mr. Smith—1.

For Blank—Messrs. Bradshaw, Kellogg, and Wilson—3.

Whole number of votes cast, 33.

Necessary to a choice, 17.

Edward Furste having received a majority of all the votes cast was declared duly elected Territorial Printer.

On motion of Mr. Smith,

The Convention proceeded to the election of Territorial Librarian by *viva voce*.

Mr. Irby put in nomination the name of U. E. Hicks, for Territorial Librarian.

A vote being taken, resulted as follows:

Of the Council—

For U. E. Hicks—Messrs. La Du, Maxon, Phillips, Van Vleet and Mr. Presldent—5.

Blank—Messrs. Denny and Wallace—2.

Of the House—

For U. E. Hicks—Messrs. Anderson, Baker, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg Kelly, Miller, Morrow, Peabody, Phillipps, Seavy, Shaw, Smith, Stillman, Taylor and Mr. Speaker—23.

For. H R. Crosbie—Mr. Meeker—1.

Blank—Messrs. Balch, Bradshaw, Hinckley, Moore and Wilson—5.

Whole number of votes cast, 36.

Necessary to a choice, 19.

U. E. Hicks having received a majority of all the votes cast, was declared duly elrcted Territorial Librarian.

On motion of Mr. Van Vleet,

The Convention proceeded to the election of Territorial Treasurer.

Mr. Irby put in nomination the name of David L. Phillips.

A vote being taken, resulted as follows:

Of the Council—

For D. L. Phillips—Messrs. La Du, Maxon, Phillips, Van Vleet and Mr. President—5.

Blank—Mr. Wallace—1.

Of the House—

For D. L. Phillips—Messrs. Anderson, Baker, Bullard, Crockett,

Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Miller, Moore, Morrow, Peabody, Seavy, Shaw, Smith, Stillman, Taylor and Mr. Speaker—23.

For Mr. Van Vleet—Mr. Meeker—1.

Blank—Mr. Bradshaw—1.

Whole number of votes cast—31.

Necessary to a choice—16.

D. L. Phillips having received a majority of all the votes cast was declared duly elected Territorial Treasurer.

On motion of Mr. Smith,

The Convention proceeded to elect an Adjutant General by *viva voce*.

Mr. Smith put in nomination the name of Frank Mathias.

A vote being taken, resulted as follows:

Of the Council—

For Frank Mathias—Messrs. La Du, Maxon, Phillipps, Van Vleet and Mr. President—5.

Blank—Messrs. Denny and Wallace—2.

Of the House—

For Frank Mathias—Messrs. Anderson, Baker, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Kelly, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor and Mr. Speaker—23.

For Duke of York—Mr. Hinckley—1.

Blank—Messrs. Balch, Bradshaw, Meeker and Wilson—4.

Whole number of votes cast—35.

Necessary to a choice—18.

Frank Mathias having received a majority of all the votes cast, was declared duly elected Adjutant General.

On motion of Mr. Fletcher,

Convention proceeded to the election of Quartermaster-General.

Mr. Irby put in nomination the name of W. W. Miller.

A vote being taken, resulted as follows:

Of the Council—

For W. W. Miller—Messrs. La Du, Maxon, Phillips, Van Vleet and Mr. President—5.

Blank—Messrs. Denny and Wallace—2.

Of the House—

For W. W. Miller Messrs. Anderson, Baker, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor and Mr. Speaker—22.

For Nelson—Mr. Hinckley—1.

Blank—Messrs. Balch, Bradshaw and Meeker—3.

Whole number of votes cast—33.

Necessary to a choice—17.

W. W. Miller having received a majority of all the votes cast, was declared duly elected Quartermaster General.

On motion of Mr. Van Vleet,

Convention proceeded to the election of a Commissary General.

Mr. Shaw put in nomination the name of J. J. H. Van Bokkelin.

A vote being taken, resulted as follows:

Of the Council—

For Van Bokkelin—Messrs. La Du, Maxon, Phillips, Van Vleet and Mr. President—5.

Blank—Messrs. Denny and Wallace—2.

Of the House—

For Van Bokkelin—Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Moore, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Taylor and Mr. Speaker—21.

For Shaw—Mr. Meeker—1.

For Jenny Lind—Mr. Hinckley—1.

Blank—Messrs. Balch and Crockett—2.

Whole number of votes cast—32.

Necessary to a choice—17.

J. J. H. Van Bokkelin having received a majority of all the votes cast, was declared duly elected Commissary General.

The President then announced that the business for which the Joint Convention had met, was transacted, and the Council withdrew to their chamber.

On motion of Mr. Balch,

The House adjourned.

THURSDAY, JANUARY 28th, 1858.

House met pursuant to adjournment.

Mr. Balch moved that Rev. Mr. Whitworth, who was then present, be invited to open the session with prayer.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Baker, Balch, Bradshaw, Guthrie, Irby, Jackson, Hinckly, Hutchinson, Kellogg, Kelly, Moore, Peabody, Phillips, Seavy, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—20.

Those voting in the negative were—

Messrs. Bullard, Crockett, Curtis, Fletcher, Glasgow, Meeker, Morrow and Smith—8.

So the motion prevailed.

Prayer by Rev. Mr. Whitworth.

Journal of Wednesday read and approved.

Message from the Council by their Clerk.

MR. SPEAKER:—I am instructed to report to the House that the Council have passed

H. B. No. 50—An act to amend an act relating to deeds,

H. M. No. 14—Praying for military post at New Dunginess, and military road from New Dunginess to Port Townsend; and,

C. M. No. 3—Relative to a military road from Fort Vancouver to Fort Dalles.

The Council have indefinitely postponed

H. M. No. 12—To Brig. Gen. Clarke, of the Pacific Division U. S. Army.

Mr. Kelly, from the committee on Education, submitted the following report:

The Committee on Education, to whom was referred

H. B. No. 44—An act to secure to orphans and certain other children, a common school education,

Have had the same under consideration, and report the same back without recommendation.

The committee have also had under consideration

H. B. No. 46—An act for the protection of school land, and repeal of all acts and parts of acts relative to common schools,

And have instructed me to report the same back and recommend that it be indefinitely postponed.

Your committee have further instructed me to report that they have had under consideration the communication from the Register of the land office relative to University lands, and recommend that it be spread upon the Journals of the House.

All of which is respectfully submitted.

WM. KELLY,
Chairman.

Mr. Morrow, from committee on Corporations, submitted the following report:

The committee on Corporations, to whom was referred

C. B. No. 5—An act in relation to recording town plats,

Have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

They have also had under consideration

C. B No. 6—An act relative to the vacation of town plats,

And have instructed me to report the same back to the House without amendments and recommend its passage.

WM. M. MORROW,
Chairman.

Mr. Baker introduced

H. B. No. 63—An act to incorporate the Presbyterian Church and School of Chamber's Prairie.

Read first time; and,

On motion of Mr. Shaw,

Rules suspended and read a second time.

Mr. Smith moved to refer to the committee on Corporations, with instructions to report to-morrow.

Mr. Shaw called for a division of the question.

The question being upon the reference of the bill to the committee on Corporations, it was carried.

The question then recurring on instructing the committee to report to-morrow, it was lost.

Mr. Meeker introduced

H. M. No. 23—Relative to the increase of fees of officers, &c., of the U. S. courts on the Pacific coast.

Read first time; and,

On motion of Mr. Shaw,

Rules suspended and read a second time.

On motion of Mr. Phillips,

Referred to committee on Memorials.

Mr. Miller introduced

H. B. No. 64—An act to incorporate the Olympia Division, No. 2, Sons of Temperance.

Read a first time; and,

On motion of Mr. Phillips,

Rules suspended and read a second time.

On motion of Mr. Shaw,

Referred to committee on Corporations.

Mr. Bullard introduced

H. B. No. 65—An act to amend an act entitled, "an act to amend an act entitled, 'an act to increase county revenue.'"

Read a first time and ordered to a second reading.

Mr. Fletcher introduced

H. B. No. 66—An act to amend an act entitled, "an act to regulate peddling boats."

Read a first time and ordered to a second reading.

Mr. Peabody introduced

H. B. No. 67—An act to change the time of the meeting of the Legislative Assembly.

Read a first time and ordered to a second reading.

On motion of Mr. Balch,

The committee on Territorial Library were instructed to inquire of the Territorial Librarian the reason of his not making an annual report to this House in pursuance of the law.

H. B. No. 62—An act to repeal an act entitled, "an act to encourage the building of bridges, plank and turnpike roads."

Read a second time; and,

On motion of Mr. Moore,

Referred to committee on Roads and Highways.

H. J. R. No. 18—Relative to citizens' meeting and Governor McMullin.

Read a second time.

Mr. Meeker moved to indefinitely postpone.

Which motion was lost.

On motion of Mr. Shaw,

Laid on the table and ordered to be printed.

H. B. No. 61—An act to amend an act entitled, "an act to regulate fees and costs."

Read second time; and,

On motion of Mr. Bradshaw,

Referred to committee on Judiciary.

H. B. No. 68—An act to amend an act to establish probate courts for the Territory of Washington,

Which had been reported back from the committee on Judiciary, was read a first time; and,

On motion of Mr. Anderson,

Rules suspended and read a second time.

On motion of Mr. Anderson,

Rules further suspended, considered engrossed, read a third time, passed, and title agreed to.

On motion of Mr. Anderson,

The Clerk was instructed to forthwith report to the Council the passage of said bill.

H. B. No. 69—An act to incorporate the Olympia Musical Association,

Which had been reported back from the committee on Corporations, was taken up; and

Read first time and ordered to a second reading.

H. B. No. 70—An act to divorce Morris H. Frost and Mary Ann Frost,

Which had been reported from committee on Corporations, coming up,

Was read first time; and,

On motion of Mr. Bradshaw,

The bill, with the report and statement of the committee, were laid on the table and ordered to be printed.

Mr. Kelly moved that when the House adjourned, it adjourn to meet at 2 o'clock, P. M.

Which motion prevailed.

Petition for the incorporation of the Bainbridge Coal Company which had been reported back from committee on Corporations, was taken up; and,

On motion of Mr. Smith,

Laid on the table.

H. B. No. 71—An act to authorize and locate a Territorial road from Grand Mound Prairie to Gray's Harbor,

Which had been reported by committee on Roads and Highways, was taken up; and,

Read first time and ordered to a second reading.

H. B. No. 12—An act to regulate the draining of marsh and swamp lands,

Which had been reported from the committee on Agriculture, was taken up; and,

On motion of Mr. Guthrie,

Considered engrossed, read a third time, passed, and title agreed to.

On motion of Mr Peabody,

The House adjourned.

AFTERNOON SESSION.

H. B. No. 48—An act to amend an act entitled, "an act relative to crimes and punishments, and proceedings in criminal cases," and an act entitled, "an act to regulate the practice and proceedings in prosecutions for crimes,"

Which had been reported back from committee on Judiciary, was taken up.

On motion of Mr. Bradshaw,

Laid on the table and ordered to be printed.

H. B. No. 44—An act to secure to orphans and certain other children, a common school education,

Which had been reported back from committee on Education, was,

On motion of Mr. Smith,

Laid on the table and ordered to be printed.

Communication from the Register of the Land Office, which had been reported from the committee on Education, with a recommendation that it be spread upon the Journals of the House, was taken up; and,

On motion of Mr. Balch,

Report of committee adopted.

REGISTER'S OFFICE,
Olympia, W. T., Dec. 21, 1857.

Hon. J. S. M. VAN CLEAVE,
Speaker of the House of Representatives:

SIR:—I have been notified of the adoption by the House of Representatives, Dec. 17, 1857, of a resolution requesting the Register of the Land Office to inform that body what amount of land had been located by the county superintendents of common schools for University purposes, in accordance with an act passed January 31st, 1855, entitled, "an act to provide for the selection and location of two townships of land to aid in the establishment of a University," and in reply, I would respectfully state that this office has not been informed of any lands having been located under the provisions of said act.

Very respectfully, &c.,
W. A. STRICKLER,
Register.

H. B. No. 46—which had been reported from committee on Education with a recommendation that it be indefinitely postponed, was taken up; and,

On motion of Mr. Balch,

Report of committee adopted.

H. B. No. 36—An act providing for the registry of births, marriages and deaths,

Which had been reported back from the committee on the Judiciary, without recommendation, was taken up.

Mr. Balch moved to consider engrossed and read a third time now.

Mr. Smith moved to amend section 1, so that it should read—"it shall be the duty of parents to report all births, occurring in their families, to the county auditor of their county within six months of such birth, giving the date of the same, the name and sex of the child, the names and residence of the parents, and the occupation of the father."

Which motion was lost.

Mr. Guthrie moved to strike out all after the word "physician," in the 6th line, and the word "physician," in the 10th line.

Mr. Kelly moved to amend the amendment by striking out all after the fifth line of the bill.

Which motion was lost.

The question then recurred on Mr. Guthrie's amendment and was lost.

Mr. Meeker moved to lay the bill on the table.

Which motion was lost.

Mr. Smith moved to lay on the the table for further consideration on the 26th day of January, 1899.

Which motion was lost.

Mr. Phillips moved to indefinitely postpone.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Fletcher, Glasgow, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Phillips, Taylor and Mr. Speaker—16.

Those voting in the negative were—

Messrs. Balch, Curtis, Guthrie, Hinckly, Kellogg, Meeker, Moore, Peabody, Seavy, Smith, Stillman and Wilson—12.

So the bill was indefinitely postponed.

H. J. R. No. 17—Relative to a joint committee to investigate the conduct of certain civil authorities,

Which had been reported back from committee on Judiciary, without recommendation, was,

On motion of Mr. Smith,

Laid on the table.

C. B. No. 5—An act relative to recording town plats,

Which had been reported back from committee on Corporations, was taken up; and,

On motion of Mr. Balch,

Read a third time, passed and title agreed to.

C. B. No. 6—An act relative to the vacation of town plats,

Which had been reported back from same committee, was taken up; and,

On motion of Mr. Phillips,

Read a third time, passed and title agreed to.

H. M. No. 21—Praying Congress to extinguish the rights of the foreign corporations in Washington Territory,

Which had been reported from the Council with amendments, coming up, the amendments were concurred in by the House.

C. J. R. No. 9—Relative to the Legislature adjourning *sine die* on the 29th inst.

Read a first time; and,

On motion of Mr. Baker,

Laid on the table.

C. M. No. 3—Relative to a military road from Fort Vancouver to Fort Dalles.

Read first time and ordered to a second reading.

On motion of Mr. Smith,

H. B. No. 47—An act to provide for the exemption of certain property of unmarried men and women,

Was taken from the table.

Mr. Meeker moved to amend by striking out all after the enacting clause, and inserting "that all laws exempting property from execution be and the same are hereby repealed."

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Guthrie, Irby, Hinckly, Kellogg, Meeker, Miller, Moore and Taylor—8.

Those voting in the negative, were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Jackson, Hutchinson, Kelly, Morrow, Peabody, Phillips, Seavy, Shaw, Smith, Stillman, Wilson and Mr. Speaker.—21.

So the motion was lost.

Mr. Irby moved to strike out in 2d line all after the word "year," to the word "shall," in the third line.

Mr. Wilson moved to lay on the table.

Which motion was lost.

Mr. Meeker moved to amend by striking out in first and 2d lines the words "real or personal property belonging to."

Mr. Smith moved to amend the amendment by striking out the words "five hundred," and inserting the words "one thousand."

Which motion was lost.

The question then recurring upon the amendment of Mr. Meeker, it was lost.

On motion of Mr. Morrow,

The bill was laid on the table and made the order of the day for the first day of February.

On motion of Mr. Fletcher,

H. B. No. 55—An act to apportion the representation of the Legislative Assembly of Washington Territory,

Was taken from the table; and,

The question being upon the adoption of the pending amendments of the committee on Counties, the amendments were rejected.

The question then being upon the pending amendments offered by Mr. Kelly, the amendments were adopted.

Mr. Irby moved to amend by striking out the words "Spokane shall have one."

Which amendment was adopted.

Mr. Smith moved to amend so as to read "King shall elect two."

Which amendment was rejected.

Mr. Meeker moved to refer the bill to a select committee of five, with instructions to make an apportionment according to the vote polled at the last annual election.

Mr. Shaw called for a division of the question.

The question was then put to refer to a select committee of five.

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Balch, Bradshaw, Bullard, Crockett, Hinckly, Kellogg, Meeker, Moore, Peabody, Phillips, Seavy, Smith, Wilson and Mr. Speaker.—14.

Those voting in the negative were—

Messrs. Anderson, Baker, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Shaw, Stillman and Taylor—15.

So the motion to refer was lost.

Mr. Morrow moved to amend so as to read "Thurston shall have six and Sawamish shall have one."

Upon this motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kelly, Morrow, Shaw, Stillman and Taylor—16.

Those voting in the negative were—

Messrs. Balch, Bullard, Crockett, Kellogg, Meeker, Miller, Moore, Peabody, Phillips, Seavy, Smith, Wilson and Mr. Speaker—13.

So the amendment was adopted.

Mr. Irby moved that now be assigned as the time for the third reading of the bill.

Mr. Smith moved that the bill be indefinitely postponed.

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Balch, Bradshaw, Bullard, Crockett, Hinckly, Kellogg, Meeker, Moore, Peabody, Phillips, Seavy, Smith, Wilson and Mr. Speaker—14.

Those voting in the negative, were—

Messrs. Anderson, Baker, Curtis; Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Shaw, Stillman and Taylor —15.

The motion was lost.

Mr. Meeker moved to refer to the committee on Elections, with instructions to make an apportionment, with the returns of the last annual election as a basis.

Mr. Shaw called for a division of the question.

The question being upon referring to committee on elections,

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative, were—

Messrs. Balch, Bradshaw, Bullard, Crockett, Hinckly, Kellogg, Meeker, Moore, Peabody, Phillips, Seavy, Smith, Wilson and Mr. Speaker—14.

Those voting in the negative were—

Messrs. Anderson, Baker, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Morrow, Shaw, Stillman and Taylor—15.

So the motion was lost.

The question then recurring on ordering to be engrossed and read a third time, the yeas and nays were ordered and were as follows:

Those voting in the affirmative were—

Messrs—Anderson, Baker, Curtis, Fletcher, Glasgow, Guthrie, Irby,

Jackson, Hutchinson, Kelly, Miller, Morrow, Shaw, Stillman and Taylor —15.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Bullard, Crockett, Hinckley, Kellogg, Meeker, Moore, Peabody, Phillipps, Seavy, Smith, Wilson and Mr. Speaker—14.

Mr. Smith moved to adjourn.
Which motion was lost.
So the bill was passed and its title agreed to.

On motion of Mr. Kelly,

The House proceeded to the orders of the day.

H. B. No. 45—An act to create and organize the county of Spokane,
Was taken up; and,

On motion of Mr. Kelly,

Considered engrossed, read a third time, passed, and title agreed to.

Mr. Meeker moved to adjourn.
Which motion was lost.

On motion of Mr. Guthrie,

The House adjourned.

FRIDAY, JANUARY 29, 1858.

House met pursuant to adjournment.

Absent—Messrs. Smith and Wilson.

Journal of Thursday read and approved.

Mr. Phillips, from committee on Enrolled Bills, submitted the following report:

The committee on Enrolled Bills have examined

H. M. No. 14—Praying for military post at New Dunginess, and military road from New Dunginess to Port Townsend;

H. B. No. 21—An act authorising the county commissioners to put the convicts of the county jail to labor,

H. B. No. 30—An act authorising William H. Cooper to establish a ferry,

H. B. No. 23—An act declaring so much of the military road leading from Steilacoom to Vancouver as lies within the limits of Lewis county, a territorial road; and,

H. B. No. 31—An act dissolving the bonds of matrimony existing between Julia A. Lendingham and A. L. Lendingham.

And report the same correctly enrolled.

DAVID PHILLIPS,
Chairman.

Mr. Jackson, from the committee on Counties, submitted the following report:

The committee to whom was referred

H. B. No. 57—Relative to establishing the north-west boundary of Jefferson county,

Have had the same under consideration, and report the same back for the further consideration of the House.

HENRY JACKSON,
Chairman.

Mr. Miller, from committee on Ways and Means, submitted the following report relative to the financial affairs of this Territory.

In obedience to a resolution of the House, the committee on Ways and Means have had under consideration the general financial affairs of the Territory, and have instructed me to report as follows:

The committee have thoroughly examined the reports of the Territorial Auditor and Treasurer and other documents furnishing information touching the financial revenues of the Territory. It has been found that the revenue arising to the Territory from taxation during the past year, amounts to $2,332 20, and that the disbursements during the same period, on account of the Territory, were $1,084 47; leaving a balance in the treasury due to the Territory of $1,247 70.

It is estimated that the Territorial revenue arising from taxation

during the current year will amount to at least $3,000, and that the expenditures for the same time will not exceed the half of that sum—thus giving a surplus at the end of the year of some $1,500.

It being thus shown that the Territorial revenue for the present year will far exceed all necessary expenditures, the committee would respectfully recommend that the Territorial tax be reduced from one mill to one half mill on the dollar.

The committee have also had under consideration House Bill No. 56, and have instructed me to recommend the indefinite postponement of the same, and report a substitute therefor, viz :"—An act to amend an act entitled, 'an act to provide for the assessing and collecting county revenue.' "

WM. W. MILLER,
Chairman.

Mr. Miller, from the committee on Ways and Means, submitted the following report:

The committee on Ways and Means to whom was referred
H. B. No. 56—An act to amend an act entitled, "an act to provide for the assessing and collecting of county revenue,"

Have had the same under consideration, and have instructed me to report the same back and recommend its indefinite postponement. The committee have also instructed me to report a substitute.

W. W. MILLER,
Chairman.

Mr. Meeker, from select committee, submitted the following report:

The select committee, to whom was referred the subject of the measurement of saw logs, have had the same under consideration, and beg leave to report a bill embodying a table for that purpose.

After as much examination as their time would permit, your committee are of opinion that the table (Pierce's Bangor) is as nearly equitable between third parties as any that have come under their notice.

O. P. MEEKER,
Chairman.

Mr. Irby introduced
H. B. No. 72—An act regulating license.
Read a first time; and,
The question being on ordering to a second reading, it was lost.

Mr. Kelly introduced

H. J. R. No. 19—Relative to the creation of a land office at Vancouver, in Clarke county.

Read a first time and ordered to a second reading.

Mr. Peabody introduced

H. B. No. 73—An act to change the time of holding the regular sessions of the Supreme Court.

Read first time; and,

On motion of Mr Hinckly,

Rules suspended and read a second time.

On motion of Mr. Peabody,

Referred to committee on Judiciary.

Mr. Phillips requested leave of absence for the remainder of the session.

On motion of Mr. Hinckly,

Leave was granted by the House.

H. B. No. 65—An act to amend an act entitled, "an act to amend an act entitled, 'an act to increase county revenue.'"

Read a second time.

Mr. Kelly moved to amend by striking out the words "fifty" and "five hundred," and inserting the words "one hundred and fifty," and "three hundred."

Mr. Meeker moved to amend the amendment by inserting the words "three hundred" and "five hundred."

Mr. Guthrie moved the reference of the bill to the committee on the Judiciary.

Which motion prevailed.

H. B. No. 66—An act to amend an act entitled, "an act to regulate peddling boats."

Read second time; and,

On motion of Mr. Anderson,

Referred to a select committee of five, from the delegation from the Sound.

The Chair announced Messrs. Peabody, Hinckly, Balch, Kellogg and Bradshaw, as said committee.

H. B. No. 67—An act to change the time of the meeting of the Legislative Assembly.

Read second time.

Mr. Crockett moved to amend by inserting the word "November."

Mr. Jackson moved to amend the amendment by inserting the word "December."

On motion of Mr. Guthrie,

Was laid on the table.

H. B. No. 69—An act to incorporate the Olympia Musical Association,

Read a second time.

Mr. Balch moved to indefinitely postpone.

Mr. Meeker moved to lay on the table.

Which motion was lost.

The question being upon the motion to indefinitely postpone, it was lost

On motion of Mr. Stillman,

Amended by striking out the words "twenty thousand," and inserting the words "ten thousand."

Mr. Balch moved to strike out all after the enacting clause.

Which motion was lost.

Mr. Hinckly moved to lay on the table and order to be printed.

Which motion was lost.

The question being upon ordering the bill to a third reading, it was carried.

H. B. No. 71—An act to authorize and locate a Territorial road from Grand Mound Prairie to Gray's Harbor,

Read a second time; and,

On motion of Mr. Guthrie,

Rules suspended, considered engrossed, read a third time, passed, and title agreed to.

Mr. Fletcher moved that when the House adjourn, it adjourn to meet at 3 o'clock, P. M.

Which motion prevailed.

Mr. Speaker gave notice that he was about to sign

H. B. No. 21—An act authorizing the county commissioners to put the convicts of the county jail to labor,

H. B. No. 30—An act authorizing William H. Cooper to establish a ferry,

H. M. No. 23—Relative to the increase of fees of officers, &c., of the U. S. courts on the Pacific coast,

H. B. No. 31—An act dissolving the bonds of matrimony existing between Julia Ann Lendingham and A. L. Lendingham; and House Memorial No. 14.

C. M. No. 3—Relative to a military road from Fort Vancouver to Fort Dalles.

Read a second time; and,

Ordered to a third reading.

H. B. No. 57—Relative to establishing the northwestern boundary of Jefferson county,

Which had been reported back from committee on Counties was taken up; and,

Mr. Bradshaw offered an amendment in lieu of all after the word "follows."

Which was adopted.

Mr. Moore offered the following amendment:

"Sec. 2. This act shall be subject to a vote of the citizens of Clalam county, and if a majority shall be in favor of said division, then this act shall be of effect, otherwise, it shall be null and void."

Which amendment was rejected.

On motion of Mr. Seavy,

The bill was considered engrossed and read a third time and passed.

On motion of Mr. Bradshaw,

Title as amended agreed to.

On motion of Mr. Balch,

The Clerk was instructed to forthwith report to the Council the passage of said bill.

Report of committee on Ways and Means on the financial affairs of the Territory, was taken up.

On motion of Mr. Kelly,

Laid on the table and ordered to be printed.

H. B. No. 56—An act to amend an act to provide for the assessing and collecting of county revenue,

Which had been reported back from committee of Ways and Means, with a substitute, was taken up.

Mr. Shaw moved to lay the bill, substitute and report on the table, and order to be printed.

Mr. Irby called for a division of the question.

The question being upon lying upon the table, it was carried.

The question then being on ordering the substitute and report to be printed, it was carried.

On motion of Mr. Guthrie,

The House adjourned.

AFTERNOON SESSION.

H. B. No. 74—An act to establish the measurement of saw logs,

Which had been reported from select committee, was

Read first time; and,

On motion of Mr. Balch,

Rules suspended and read a second time.

Mr. Curtis moved to lay on the table and order to be printed.

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Curtis, Glasgow, Irby, Moore and Taylor—5.

Those voting in the negative, were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Crockett,

Guthrie, Jackson, Hinckly, Hutchinson, Kellogg, Kelly, Meeker, Miller, Morrow, Seavy, Stillman and Mr. Speaker—18.

So the motion was lost.

On motion of Mr. Balch,

The bill was considered engrossed and ordered to a third reading.

Mr. Speaker laid before the House the Annual Report of the Territorial Librarian.

OLYMPIA, JANUARY 26th, 1858.

To the Legislative Assembly

of the Territory of Washington:

GENTLEMEN:—In accordance with the requirements of law, I submit herewith the following report:

The whole number of volumes in the library at the date of the last annual report was two thousand nine hundred and twenty-three. Since which time there has been added to the library, fifty-four volumes, consisting wholly of law reports, documents, statutes, law and state papers, forwarded to the library by the departments at Washington, and the executives of the different States; making the number of volumes now belonging to the library, two thousand nine hundred and seventy-seven. Annexed will be found a catalogue of the books added during the past year.

As the library is deficient, especially in the law department, I recommend that an appropriation of one thousand dollars be asked of the general government to be expended in the purchase of such books as the committee on the library may deem essential to supply the deficiency.

Respectfully submitted,

HENRY R. CROSBIE,

Territorial Librarian.

UNITED STATES DOCUMENTS.

	NO. OF VOL'S.
Army Regulations, 1857,	1
Perry's Japan Expedition, vol. 1st and 2d,	2

LAW REPORTS.

Alabam Reports, vol. 29th, (new series,)	1
Kentucky " " 16th,	1
Louisiana Annual Reports, vol. 11th,	1
North Carolina "	2
South Carolina "	1
Texas " vols. 14th and 15th,	2

STATUTES, LAW AND STATE PAPERS.

Alabama—	
Statutes, 1852,	1
Acts, 1855–6,	1
House Journal, 1855–6,	1
Senate " "	1
California—	
Senate Journals, (triplicates,)	3
Senate " and appendix,	2
House " " "	2
Connecticut—	
Senate Journal,	1
House Journal, 1856,	1
Annual Report on the Insane,	1
Public Acts, 1857, (triplicates,)	3
Private Acts, 1857,	1
Colonial Records, from 1638 to 1649,	1
Illinois—	
Laws, 1855,	1
Kentucky—	
Acts, 1855–6, vols. 1 and 2,	2
Louisiana—	
Acts, 1857,	1
Michigan—	
Joint Documents,	1
Laws, 1858,	1
New Mexico—	
House Journal, 1857,	1

	NO. OF VOL'S.
New Jersey—	
Laws, 1857,	1
Oregon—	
Statutes,	1
Pennsylvania—	
Laws, 1857,	1
Annual Report of Superintendent of Schools,	1
Rhode Island—	
Revised Statutes, 1857,	1
Acts and Resolutions, 1857,	1
Public Laws, 1857,	1
Colonial Records, 1664 to '77, vol. 2d,	1
South Carolina—	
Acts and Resolves,	1
Texas—	
Penal Code, 1857,	1
Laws, 1855–6,	1
Senate Journal, 1855,	1
House " "	1
Virginia—	
Assembly Acts, 1855–6,	1
Documents, 1855–6, parts 1, 4 and 5,	3
Journal House of Delegates,	1
Whole number of volumes,	54

On motion of Mr. Meeker,

The report was laid on the table and ordered to be printed.

On motion of Mr. Morrow,

H. M. No. 13—Relative to paying citizens for making emigrant road over the Nachess pass,

Was taken from the table; and,

On motion of Mr. Morrow,

Considered engrossed, read a third time, and passed.

On motion of Mr. Meeker,

H. B. No. 39—An act creating the office and defining the duties of harbor-master of the harbor of Oysterville,

Was taken from the table,

On motion of Mr. Morrow,

Considered engrossed, read a third time, passed, and title agreed to.

On motion of Mr. Seavy,

H. M. No. 16—Relative to holding district courts in each county in Washington Territory,

Was taken from the table.

Mr. Meeker in the chair.

On motion of Mr. Balch,

Considered engrossed, read a third time and passed.

On motion of Mr. Balch,

Substitute for H. B. No. 54—An act to locate a Territorial road from Olympia, in Thurston county, to Steilacoom, in Pierce county,

Was taken from the table; and,

On motion of Mr. Morrow,

Considered engrossed, read a third time, passed and title agreed to.

On motion of Mr. Van Cleave,

Substitute for H. B. No. 40, and C. B. No. 4—Relative to prosecuting attorneys,

Was taken from the table.

Mr. Van Cleave moved that the bill be considered engrossed, and now be assigned as the time for its third reading.

Mr. Van Cleave moved to amend in the 5th line of section 1 by striking out the words "the Legislative Assembly, at it present session shall, on joint ballot, elect," and inserting the words "B. P. Anderson be, and he is hereby appointed."

Mr. Balch moved to amend the amendment by striking out the name of B. P. Anderson, and inserting the name of B. F. Kendall.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative, were—

Messrs. Balch, Hinckly, Kellogg and Meeker—4.

Those voting in the negative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Moore, Morrow, Peabody, Seavy, Shaw, Stillman, Taylor and Mr. Speaker—22.

The question then recurred upon the amendment offered by Mr. Van Cleave.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Those voting in the affirmative were—

Messrs—Anderson, Baker, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Meeker, Miller, Moore, Morrow, Peabody, Seavy, Shaw, Stillman, Taylor and Mr. Speaker—23.

Those voting in the negative were—

Messrs. Balch, Hinckley and Kellogg—3.

So the amendment was adopted.

Mr. Balch moved to amend in section 9, by striking out the word "six," and inserting the word "three."

Mr. Morrow moved to amend the amendment by inserting the word "seven."

Which motion was lost.

The question being on the amendment of Mr. Balch, it was lost.

Mr. Bradshaw moved to amend in section 6, by striking out the words "probate courts."

Which motion was lost.

The bill was considered engrossed, read a third time, passed, and title agreed to.

On motion of Mr. Hinckly,

H. J. R. No. 15—Relative to the Dred Scott decision,

Was taken from the table.

Mr. Morrow moved to consider engrossed and read a third time now.

Mr. Anderson moved to amend by striking out all after the word

"Washington," in the first resolve, and inserting the words "we approve of the principles involved in the Kansas Nebraska Act."

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Crockett, Hinckly, Kellogg and Moore—5.

Those voting in the negative were—

Messrs. Baker, Balch, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Meeker, Morrow, Peabody, Seavy, Shaw, Stillman, Taylor and Mr. Speaker.—20.

So the motion was lost.

Mr. Moore moved that the decision of the Supreme Court in the Dred Scott case be read.

Which motion was lost.

Mr. Anderson moved to amend in the last resolve by striking out all after the word "resolve," and inserting the words "the general policy of the present administration."

Which motion was lost.

The question then recurring on ordering to be engrossed and read a third time, the yeas and nays were ordered, and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hinckley, Hutchinson, Kellogg, Kelly, Miller, Moore, Morrow, Peabody, Seavy, Shaw, Stillman, Taylor and Mr. Speaker—22.

Those voting in the negative were—

Messrs. Balch, Crockett and Meeker—3.

So the resolution was read a third time.

Mr. Hinckly moved to adopt each resolve separately

Which motion was lost.

The question then recurred upon the adoption of the resolution.

Upon this motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Miller, Moore, Morrow, Peabody, Seavy, Shaw, Taylor and Mr. Speaker—18.

Those voting in the negative were—

Messrs. Anderson, Balch, Crockett, Hinckly, Kellogg, Meeker and Stillman—7.

So the resolution was adopted.

On motion of Mr. Van Cleave,

Mr. Bradshaw was excused from voting.

On motion of Mr. Van Cleave,

The reasons of Mr. Anderson for voting against the passage of H. J. R. No. 15, were ordered to be spread upon the Journal as follows:

That he could not support the third resolve which reads, "Resolved, that we most cordially endorse all the measures of the present administration as far as they have been developed."

On motion of Mr. Moore,

The House adjourned.

SATURDAY, JANUARY 30, 1858.

House met pursuant to adjournment.

Absent—Messrs. Anderson, Fletcher, Kelly, Miller, Peabody and Wilson.

Journal of Friday read and approved.

By permission of the House, Mr. Stillman was permitted to have his reasons for voting against H. J. R. No. 15—Relative to the Dred Scott decision, spread upon the Journal, as follows:

"He endorsed the Kansas and Nebraska act so far as it allowed the people to adjust their own institutions to suit themselves, but could not endorse the subject matter of the resolutions any further."

Mr. Bullard in the chair.

Mr. Crockett, from the committee on Roads and Highways, submitted the following report:

The committee on Roads and Highways have had under consideration

H. B. No. 62—An act to repeal an act entitled, "an act to encourage the building of bridges, plank and turnpike roads,"

And have instructed me to report the same back to the House and recommend that it be indefinitely postponed.

The committee have also instructed me to recommend a substitute for said bill.

S. B. CROCKETT,
Chairman.

Mr. Moore introduced a resolution condemnatory of the Sergeant-at-Arms for a dereliction of duty.

Mr. Smith moved to lay on the table.

Mr. Speaker in the Chair.

On motion of Mr. Guthrie,

The resolution was referred to select committee of three.

The Chair announced Messrs. Guthrie, Meeker and Anderson as said committee.

Mr. Seavy requested leave of absence for the remainder of the session.

On motion of Mr. Hinckly,

Leave was granted by the House.

Mr. Fletcher introduced

H. B. No. 75—An act to authorize certain officers to take acknowledgments.

Read a first time and ordered to a second reading.

Mr. Meeker moved that when the House adjourn, it adjourn to meet at 10 o'clock, P. M., on Monday.

Which motion prevailed.

H. J. R. No. 19—Relative to the creation of a land office at Vancouver, in Clarke county.

Read second time.

Mr. Kelly moved that it be considered engrossed, and rules suspended, and read a third time now.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the President of the Council has signed

C. J. R. No. 7—For the establishment of a port of delivery at Whatcom, W. T.,

H. J. R. No. 5—Relative to appointing a committee to report the expediency of appointing a commission to revise the laws of this Territory,

C. J. R. No. 4—Relative to tendering thanks to Gov. Curry, of Oregon, for his manly defence of the volunteer organization of the Territory of Oregon and Washington.

H. B. No. 14—An act to amend an act entitled, "an act to incorporate the City of Vancouver,"

H. B. No. 27—An act to amend an act relative to weights and measures,

C. B. No. 3—An act appropriating money from the Territorial treasury to pay James McDonald and others for the arrest of Patric Reagan.

Also, the Council have passed

C. B. No. 8—An act authorizing L. H. Davis to establish a ferry across the Chehalis river,

H. M. No. 8—Relative to the extension of the donation law, granting settlers donations of public lands in Washington Territory,

H. J. R. No. 16—Relative to the arrest of the murderers of Col. I. N. Ebey and others,

H. M. No. 15—Praying the amendment of the pre-emption law, as regards pre-empting in Washington Territory,

With the following amendments: "Strike out all in line 8, of section 2, after the word 'territory.'" Also,

H. B. No. 32—An act to re-locate the Territorial University.

On motion of Mr. Meeker,

H. J. R. No. 19, was referred to select committee of five.

The Chair announced Messrs. Meeker, Kelly, Bullard, Stillman and Crockett, as said committee.

H. B. No. 74—An act to establish a scale for the measurement of saw logs.

Read a third time, passed and title agreed to as amended.

On motion of Mr. Balch,

The Clerk was instructed to report forthwith to the Council the passage of said bill.

C. M. No. 3—Relative to a military road from Fort Vancouver to Fort Dalles,

Was read first time; and,

The question being upon its passage, yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Balch, Bradshaw, Bullard, Crockett, Curtis, Fletcher, Glasgow, Irby, Hinckley, Hutchinson, Kellogg, Kelly, Meeker, Moore, Morrow, Peabody, Shaw, Stillman, Taylor and Mr. Speaker—22.

Passed unanimously.

H. B. No. 69—An act to incorporate the Olympia Musical Association,

Read a third time, passed and title agreed to.

H. B. No. 62—An act to repeal an act entitled, "an act to encourage the building of bridges, plank and turnpike roads,"

Which had been reported by committee on Roads and Highways with a substitute, was taken up; and,

On motion of Mr. Balch,

Indefinitely postponed.

Substitute for H. B. No. 62,

Read a first time and ordered to a second reading.

H. M. No. 15—Praying the amendment of the pre-emption law, as regards pre-empting in W. T.,

Which had been amended by the Council, was taken up, and amendments concurred in.

C. B. No. 8—An act authorizing L. H. Davis to establish a ferry across the Chehalis river.

Read a first time; and,

On motion of Mr. Anderson,

Rules suspended and read a second time.

On motion of Mr. Stillman,

Referred to committee on Corporations.

On motion of Mr. Fletcher,

H. J. R. No. 18—Relative to citizens' meeting and Governor McMullin,

Was taken from the table.

Mr. Morrow moved to consider engrossed and read a third time now.

Mr. Kelly moved to lay on the table, and make the order of the day for Monday next.

Mr. Peabody called for a division of the question, which being divided, the motion to lay on the table was lost.

The question being to make the order of the day for Monday next, it was lost.

Mr. Moore moved to strike out the name of Gov. McMullin in the 2d resolve.

On motion of Mr. Fletcher,

Mr. Light, who was then present, was requested to make a statement to the House in regard to the citizens' meeting at Steilacoom.

The amendment of Mr. Moore was lost.

The question then recurring on ordering to be engrossed and read a third time, the yeas and nays were ordered, and were as follows:

Those voting in the affirmative were—

Messrs. Baker Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Morrow, Shaw, Taylor and Mr. Speaker —14.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Crockett, Kellogg, Meeker and Moore —6.

So the resolution was read a third time.

The question being upon the adoption of the resolution, the yeas and nays were demanded, which were as follows:

Those voting in the affirmative, were—

Messrs. Baker, Bullard, Crockett, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Morrow, Shaw, Taylor and Mr. Speaker—15.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Kellogg, Meeker and Moore—5.

So the resolution was adopted.

On motion of Mr. Moore,

The House adjourned.

MONDAY, FEBRUARY 1, 1858.

House met pursuant to adjournment.

Absent—Messrs. Bradshaw, Fletcher, Glasgow, Kellogg, Miller, Shaw and Wilson.

Journal of Saturday read and approved.

Mr. Crockett requested leave of absence for the remainder of the session.

On motion of Mr. Smith,

Leave was granted by the House.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred

H. M. No. 23—Relative to the increase of fees of officers, &c., of the U. S. courts on the Pacific coast,

Have had the same under consideration, and instructed me to report it back to the House with amendments, and recommend its passage.

R. V. PEABODY,
Chairman.

Mr. Meeker, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined

Memorial for the relief of Allen M. Porter,

Joint Resolution relative to the false and malicious slanders heaped upon the citizens and volunteers of Washington Territory by Gen. Wool, at the time of the late war,

Memorial praying Congress to extinguish the rights of the foreign corporations in Washington Territory,

And report the same as correctly enrolled.

O. P. MEEKER,
Chairman.

Mr. Anderson, from the committee on Judiciary, submitted the following report:

The committee on Judiciary have had under consideration

H. B. No. 61—An act to amend an act entitled, "an act to regulate fees and costs,"

And have instructed me to report a substitute in lieu of the original, and recommend its passage.

The committee have also had under consideration

H. B. No. 65—An act to amend an act entitled, "an act to amend an act entitled, 'an act to increase county revenue,'"

And have instructed me to report the same back without amendment, and recommend its passage.

The committee have also had under consideration

H. B. No. 73—An act to change the time of holding the regular sessions of the Supreme Court,

And have instructed me to report the same back to the House and recommend its indefinite postponement.

The committee have also had under consideration

H. B. No. 48—An act to amend an act entitled, "an act relative to crimes and punishments, and proceedings in criminal cases," and an act

entitled, "an act to regulate the practice and proceedings in prosecutions for crimes,"

And have instructed me to report a substitute in lieu of the original, for the consideration of the House.

J. W. ANDERSON,
Chairman.

Mr. Morrow, from committee on Corporations, submitted the following report:

The committee on Memorials, to whom was referred

C. B. No. 8—An act authorizing L. H. Davis to establish a ferry across the Chehalis river,

Have had the same under consideration, and report the same back without amendment, and recommend its passage.

They have also had under consideration

H. B. No. 63—An act to incorporate the Presbyterian Church and School of Chamber's Prairie,

And report the same back with amendments, and recommend its passage.

WM. M. MORROW,
Chairman.

Mr. Meeker from select committee, submitted the following report:

The select committee to whom was referred

H. J. R. No. 19—Relative to the creation of a land office at Vancouver, Clarke county, W. T.,

Have had the same under consideration, and have instructed me to report the same back with amendments, and recommend its passage.

O. P. MEEKER,
Chairman.

Mr. Peabody from select committee submitted the following report:

The select committee to whom was referred

H. B. No. 66—An act to amend an act entitled, "an act to regulate peddling boats,"

Have had the same under consideration, and instructed me to report it back and recommend that it be indefinitely postponed.

R. V. PEABODY,
Chairman.

Mr. Hinckly introduced

H. B. No. 76—An act to re-locate certain light houses.

Read first time and ordered to a second reading.

Mr. Glasgow introduced

H. B. No. 77—An act for the protection of public and incorporate property.

Read first time and ordered to a second reading.

Mr. Guthrie introduced

H. J. R. No. 20—To provide for certain printing.

Read first time and ordered to a second reading.

On motion of Mr. Guthrie,

Rules suspended and read a second time now.

On motion of Mr. Baker,

Rules further suspended and read a third time and adopted.

Substitute for H. B. No. 62—An act to amend an act to encourage the building of bridges, plank and turnpike roads.

Read second time; and,

On motion of Mr. Balch,

Rules suspended and read a third time, passed and title agreed to.

H. B. No. 75—An act to authorize certain officers to take acknowledgments.

Read second time; and,

On motion of Mr. Bradshaw,

Rules suspended, read a third time, passed, and title agreed to.

Mr. Speaker gave notice that he was about to sign

H. M. No. 21—Praying Congress to extinguish the rights of foreign corporations in W. T.,

H. M. No. 22—For the relief of Allen L. Porter; and

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of W. T. by Gen. Wool concerning the late war in W. T.

H. M. No. 23—Relative to the increase of fees of officers, &c., of the U. S. courts on the Pacific coast,

Which had been reported from the committee on Memorials, with amendments, was taken up, and amendments adopted.

On motion of Mr. Morrow,

Considered engrossed, read a third time, and passed.

Substitute for H. B. No. 61—An act to amend an act entitled, "an act to regulate fees and costs,"

Which had been reported from committee on Judiciary, coming up, Was read a first time; and,

On motion of Mr. Curtis,

Rules suspended and read a second time.

Mr. Meeker moved that H. B. No. 61, which was reported back from the committee on Judiciary, be considered engrossed and read a third time now.

Mr. Stillman moved that it be indefinitely postponed.

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Irby, Jackson, Hutchinson, Kelly, Morrow, Stillman and Mr. Speaker—12.

Those voting in the negative were—

Messrs. Balch, Bradshaw, Guthrie, Hinckly, Kellogg, Meeker and Wilson—7.

So the bill was indefinitely postponed.

Mr. Morrow moved that the substitute for said bill be considered engrossed, the rules suspended and the bill read a third time now.

On motion of Mr. Meeker,

Amended by striking out "one dollar" and inserting "two dollars."

Mr. Balch moved to amend in section 3, by inserting after the words "fifty dollars," the words "to be paid out of the Territorial Treasury."

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Guthrie, Jackson, Hinckly, Kellogg, Meeker, Smith and Wilson—10.

Those voting in the negative were—.

Messrs. Anderson, Bullard, Curtis, Fletcher, Glasgow, Irby, Hutchinson, Kelly, Morrow, Shaw, Taylor and Mr. Speaker—12.

So the motion to amend was lost.

Mr. Bradshaw moved to amend in Sec. 3, by striking out "fifty dollars," and inserting "one hundred dollars."

Upon which motion the yeas and nays were demanded, and resulted as follows:

Those voting in the affirmative were—

Messrs. Balch, Bradshaw, Bullard, Fletcher, Glasgow, Guthrie, Hinckley, Kellogg, Meeker, Smith and Wilson—11.

Those voting in the negative were—

Messrs. Anderson, Baker, Curtis, Irby, Jackson, Hutchinson, Kelly, Morrow, Shaw, Stillman and Mr. Speaker—11.

So the motion to amend was lost.

Mr. Meeker moved that the bill be indefinitely postponed.

Upon this motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative, were—

Messrs. Balch, Bradshaw, Hinckly, Kellogg and Meeker—5.

Those voting in the negative, were—

Messrs. Anderson, Baker, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kelly, Morrow, Shaw, Smith Stillman, Wilson and Mr. Speaker—17.

On motion of Mr. Bradshaw,

The bill was amended by striking out "fifty dollars," and inserting "seventy-five dollars."

On motion of Mr. Anderson,

Considered engrossed, and to-morrow assigned for its third reading.

Mr. Balch moved to adjourn,
Which motion was lost.

H. B. No. 65—An act to amend an act entitled, "an act to amend an act entitled, 'an act to increase county revenue,'"
Which had been reported back from committee on Judiciary, was taken up.

Mr. Meeker moved that it be indefinitely postponed.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Irby, Jackson, Hinckley, Kellogg, Meeker, Smith and Wilson—10.

Those voting in the negative were—

Messrs. Anderson, Bullard, Curtis, Fletcher, Glasgow, Gthrie, Hutchinson, Kelly, Morrow, Shaw, Stillman and Mr. Speaker—12.

So the motion was lost.

Mr. Meeker moved to lay on the table and order printed.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Irby, Jackson, Hinckly, Kellogg, Meeker, Moore, Taylor and Wilson—11.

Those voting in the negative were—

Messrs. Anderson, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Hutchinson, Kelly, Morrow, Shaw, Smith, Stillman and Mr. Speaker —13.

Motion lost.

Mr. Kelly in the Chair.

Mr. Stillman moved that the bill be considered engrossed and read a third time now.

Mr. Meeker moved to amend by assigning to-morrow as the time for its third reading.

Which motion was lost.

The bill was then read a third time.

The question being upon its passage, yeas and nays were demanded, resulting as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Hutchinson, Kelly, Morrow, Shaw, Smith, Stillman and Mr. Speaker—13.

Those voting in the negative were—

Messrs. Baker, Balch, Bradshaw, Irby, Jackson, Hinckly, Kellogg, Meeker, Taylor and Wilson—10.

So the bill was passed.

The question being upon the title, Mr. Hinckly moved to strike out the word "increase," and insert the word "decrease."

Upon which motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Hinckley, Kellogg, Meeker, Taylor and Wilson—8.

Those voting in the negative were—

Messrs. Anderson, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Jackson, Hutchinson, Kelly, Morrow, Shaw, Smith, Stillman and Mr. Speaker—14.

The motion to amend was lost, and the title of the bill agreed to.

Mr. Balch moved to adjourn.
Which motion was lost.

Mr. Speaker in the chair.

Mr. Kelly moved to re-consider the vote by which H. B. No. 65, was passed.

Mr. Meeker moved to lay Mr. Kelly's motion on the table and make it the order of the day for to-morrow at 11 o'clock, A. M.

Upon which motion the yeas and nays were called.

Mr. Irby requested to be excused from voting on this question.

On motion of Mr. Guthrie,

The excuse was granted.

The vote resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Jackson, Hinckly, Kelogg, Meeker, Taylor and Wilson—9.

Those voting in the negative were—

Messrs. Anderson Bullard, Curtis, Fletcher, Glasgow, Guthrie, Hutchinson, Kelly, Morrow, Shaw, Smith, Stillman and Mr. Speaker–13.

So the motion was lost.

Mr. Hinckly moved to lay Mr. Kelly's motion on the table, and make it the order of the day for to-morrow at ten o'clock, A. M.

Which motion was lost.

Mr. Stillman moved the previous question, which was seconded by the requisite number.

The question was—"Shall the main question be now put?"

Upon which motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Anderson, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Hinckly, Hutchinson, Kellogg, Kelly, Morrow, Shaw, Smith, Stillman, Taylor and Mr. Speaker—17.

Those voting in the negative were—

Messrs. Baker, Balch, Bradshaw, Jackson, Meeker and Wilson—6.

So the main question was ordered to be put.

The question being on the re-consideration of the vote by which the bill was passed, the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bradshaw, Irby, Jackson, Hinckly, Kellogg, Meeker and Taylor—9.

Those voting in the negative were—

Messrs. Anderson, Bullard, Curtis, Fletcher, Glasgow, Guthrie,

Hutchinson, Kelly, Morrow, Shaw, Smith, Stillman, Wilson and Mr. Speaker—14.

So the motion to re-consider was lost.

On motion of Mr. Morrow,

The House adjourned.

TUESDAY, February 2th, 1858.

House met pursuant to adjournment.

Absent—Messrs. Fletcher, Glasgow, Kelly, Meeker, Miller and Wilson.

Journal of Monday read and approved.

Message from the Council by their Clerk—

Mr. Speaker:—I am instructed to report to the House that the Council have passed and agreed to the titles of the following bills:

H. B. No. 51—An act to amend an act entitled, "an act creating the office and defining the duties of Territorial Auditor,"

H. B. No. 26—An act to amend an act entitled, "an act relating to common schools in the Territory of Washington,"

H. B. No. 39—An act creating the office and defining the duties of the office of Harbor Master at Oysterville,

H. B. No. 71—An act to authorize and locate a Territorial road from Grand Mound Prairie to Gray's Harbor,

H. B. No. 12—An act to regulate the draining of marsh and swamp lands,

H. B. No. 57—Relative to establishing the northwestern boundary of Jefferson county,

H. M. No. 13—Relative to paying citizens for making emigrant road over the Nachess pass; and

C. M. No. 5—Relative to the payment of the volunteers engaged in

the late Indian war, and the indemnification of citizens for property destroyed by the hostile savages during said war;

And of the introduction in the Council of

C. M. No. 4—Relative to the construction of a National Rail Road across the continent from the Atlantic States to the Pacific ocean.

Mr. Moore, from the committee on Roads and Highways, submitted the following report:

The committee on Roads and Highways have had under consideration

H. B. No. 35—An act to amend an act entitled, "an act relating to roads and highways," passed January 28th, 1857,

And have instructed me to report the same back to the House for their consideration.

R. S. MOORE,
Chairman.

Mr. Moore, from the committee on Territorial Library, submitted the following report:

The committee on Territorial Library have examined the report of the Librarian, together with the Library, and find that the whole number of volumes correspond with the report of the Librarian for the present year. The Library is deficient, especially in the law department, and the committee would recommend that our Delegate in Congress be instructed to use his influence to procure an appropriation of two thousand dollars to be expended in purchasing the accompanying list of books which would greatly supply the deficiency.

R. S. MOORE,
Chairman.

Mr. Moore introduced

H. J. R. No. 21—Relative to an appropriation for an addition to the Territorial Library.

Read a first time; and,

On motion of Mr. Hinckly,

Rules suspended and read a second time.

On motion of Mr. Curtis,

Was amended by striking out the words "be it enacted," and inserting the word "Resolved."

On motion of Mr. Bradshaw,

Amended by inserting the words "to use his influence."

On motion of Mr. Hinckly,

Considered engrossed, read a third time and passed.

H. B. No. 76—An act to re-locate certain light houses,
Was taken up.

Mr. Balch moved that it be considered engrossed, and rules suspended, and read a third time now.

Mr. Curtis offered an amendment.

Mr. Peabody offered an amendment.

Mr. Baker moved to lay the bill with pending amendments on the table and order printed.

Mr. Miller called for a division of the question.

The question being to lay on the table, the motion prevailed.

The question being to order printed, was carried.

H. B. No. 77—An act for the protection of public and incorporate property.

Read a second time; and,

On motion of Mr. Guthrie,

The bill was considered engrossed, read a third time, passed, and title agreed to.

On motion of Mr. Hinckly,

The Clerk was instructed to report forthwith to the Council the passage of said bill.

Substitute for H. B. No. 61—An act to amend an act entitled, "an act to regulate fees and costs,"

Read a third time, passed, and title agreed to.

H. B. No. 73—An act to change the time of holding the regular sessions of the Supreme Court,

Which had been reported back from committee on Judiciary, was taken up; and,

On motion of Mr. Hinckly,

Indefinitely postponed.

Substitute for H. B. No. 48, reported by committee on the Judiciary, was taken up; and,

Read first time; and rejected.

On motion of Mr. Meeker,

H. B. No. 48—An act to amend anact entitled, "an act relative to crimes and punishments, and proceedings in criminal cases," and an act entitled, "an act to regulate the practice and proceedings in prosecutions for crimes,"

Was considered engrossed, read a third time, passed, and its title agreed to.

C. B. No. 8—An act authorizing L. H. Davis to establish a ferry across the Chehalis river,

Which had been reported back from committee on Judiciary, was taken up.

On motion of Mr. Anderson,

Considered engrossed, read a third time, passed and title agreed to.

H. B. No. 63—An act to incorporate the Presbyterian Church and School of Chamber's Prairie,

Which had been reported back from committee on Corporations, with amendments, was taken up; and,

On motion of Mr. Bradshaw,

Re-committed, with pending amendments, to committee on Corporations, with instructions to report during the present sitting.

Mr. Smith moved that when the House adjourn, it adjourn to meet at 2 o'clock, P. M.

Which motion prevailed.

On motion of Mr. Anderson,

A call of the House was made.

Absent—Messrs. Balch, Bullard, Glasgow, Guthrie, Kelly, Meeker, Miller, Peabody and Wilson.

On motion of Mr. Smith,

The Sergeant-at-Arms was despatched for absent members.

On motion of Mr. Hinckly,

A further call of the House was dispensed with.

H. J. R. No. 19—Relative to the creation of a land office at Vancouver, Clarke county, W. T.,

Which had been reported back from select committee with amendments, was taken up.

The amendments of the committee were adopted.

On motion of Mr. Meeker,

Considered engrossed, and read a third time and adopted.

H. B. No. 66—An act to amend an act entitled, "an act to regulate peddling boats,"

Which had been reported from select committee, was taken up; and,

On motion of Mr. Balch,

Indefinitely postponed.

Report of committee on Territorial Library was taken up; and,

On motion of Mr. Balch,

Laid on the table and ordered to be printed, and the Secretary of the Territory requested to forward a copy to our Delegate in Congress.

H. B. No. 35—An act to amend an act entitled, "an act relating to roads and highways," passed January 28th, 1857,

Which had been reported by committee on Roads and Highways was taken up; and,

On motion of Mr. Balch,

Indefinitely postponed.

C. M. No. 5—Relative to the payment of the volunteers engaged in the late Indian war, and the indemnification of citizens for property destroyed by the hostile savages during said war;

Read a first time; and,

On motion of Mr. Shaw,

Rules suspended and read a second time.

On motion of Mr. Anderson,

Referred to committee on Memorials,

Mr. Morrow, from committee on Corporations, in pursuance of previous instructions, submitted the following report:

The committee on Corporations to whom was referred H. B. No. 63, have had the same under consideration, and have instructed me to report the same back with amendments, and recommend its passage.

WM. M. MORROW,
Chairman.

On motion of Mr. Guthrie,

The House adjourned.

AFTERNOON SESSION.

On motion of Mr. Irby,

C. J. R. No. 9—Relative to the Legislature adjourning *sine die* on the 29th inst,

Was taken from the table; and,

On motion of Mr. Meeker,

Read a second time.

Mr. Meeker moved to amend by striking out the words "Friday, January 29th," and insert "February 4, at 12 o'clock, M."

Which motion prevailed.

The motion as amended, was then adopted.

On motion of Mr. Hinckly,

Rules suspended and read a third time and adopted.

H. B. No. 63—An act to incorporate the Presbyterian Church and School of Chambers Prairie,

Which had been reported back from the committee on Corporations with amendments, was taken up.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the Council have passed

Substitute for H. B. No. 43 and H. B. No. 25—An act to amend

an act entitled, "an act to regulate the practice and proceeding in civil actions," with an amendment.

On motion of Mr. Kelly,

The Clerk was instructed to report all finished business to the Council.

The pending amendments to H. B. No. 63, were rejected.

Message from the Council by their Clerk—

Mr. Speaker:—I am instructed to report to the House that the Council have passed

C. B. No. 9—An act to provide for the payment of certain fees and expense; and,

C. B. No. 10—An act to amend an act entitled, "an act to regulate the practice and pleadings in prosecutions for crimes."

On motion of Mr. Anderson,

H. B. No. 63 was considered engrossed, read a third time, passed and title agreed to.

On motion of Mr. Shaw,

The Clerk was instructed to report forthwith to the Council the passage of said bill.

Mr. Peabody, from the committee on Memorials, submitted the following report:

The committee on Memorials, to whom was referred C. M. No. 5, with instructions to report this afternoon, have had the same under consideration, and report the same back without amendments, and recommend its passage.

R. V. PEABODY,
Chairman.

Mr. Balch moved to suspend rules and assign now as the time for the third reading of C. M. No. 5.

Upon which motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Balch, Bradshaw, Curtis, Fletcher, Glasgow, Guthrie, Irby,

Jackson, Kelly, Meeker, Miller, Morrow, Peabody, Shaw, Taylor and Mr. Speaker—16.

Those voting in the negative were—

Messrs. Anderson, Hinckley, Moore, Smith, and Stillman—5.

So the motion prevailed.

Memorial read a third time and passed.

On motion of Mr. Kelly,

The Clerk was instructed to forthwith report to the Council the passage of said memorial.

On motion of Mr. Stillman,

H. B. No. 59—An act to amend an act entitled, "an act to regulate the practice and pleadings for prosecutions in crimes"

Was taken from the table.

Mr. Morrow moved to consider engrossed and read a third time now.

Mr. Smith moved to amend section 2 so as to read "whenever the time appointed for the execution of a prisoner shall have passed, and the prisoner remains unexecuted from any default on the part of the executioner, other officers of the law, or from any accident or casualty whatever, then the court, by whom the time of execution was fixed, or the judge or judges thereof, shall cause the prisoner to be brought immediately before said court, and proceed to appoint a day for the execution."

Which motion to amend was lost.

Mr. Hinckly moved to strike out section 3.

Which motion was lost.

The bill was then ordered to be engrossed, read a third time, passed, and title agreed to.

On motion of Mr. Meeker,

H. B. No. 44—An act to secure to orphans and certain other children, a common school education,

Was taken from the table.

Mr. Balch moved to indefinitely postpone.

Mr. Smith moved to lay the motion of Mr. Balch on the table.

Which motion was lost.

Mr. Guthrie moved that when the House adjourn, it adjourn to meet at seven o'clock, this evening.

Which motion prevailed.

Mr. Meeker moved to adjourn.
Which motion was lost.

Mr. Meeker moved to lay the motion to indefinitely postpone H. B. No. 44, on the table, and make the order of the day for Thursday next.
Which motion was lost.

Mr. Meeker moved to adjourn.
Which motion was lost.

The question being on the motion to indefinitely postpone, the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Curtis, Fletcher, Glasgow, Guthrie, Irby, Hutchinson, Kelly, Miller, Morrow, Taylor and Mr. Speaker—13.

Those voting in the negative were—

Messrs. Anderson, Bradshaw, Bullard, Jackson, Hinckly, Meeker, Moore, Peabody, Shaw, Smith and Stillman—11.

So the bill was indefinitely postponed.

On motion of Mr. Anderson,

The House adjourned.

EVENING SESSION.

On motion of Mr. Shaw,

H. B. No. 56—An act to amend an act entitled, "an act to provide for the assessing and collecting of county revenue,"
Was taken from the table.

On motion of Mr. Meeker,

Was amended in 3d line of section 6, by striking out the word "one" and inserting the words "one half."
Mr. Kelly moved to indefinitely postpone the bill.

Upon which motion the yeas and nays being demanded, the result was as follows:

Those voting in the affirmative were—

Messrs. Bradshaw, Curtis, Irby, Hinckly, Kelly, Stillman and Taylor—7.

Those voting in the negative were—

Messrs. Baker, Balch, Bullard, Glasgow, Guthrie, Jackson, Hutchinson, Kellogg, Meeker, Moore, Morrow, Shaw, Smith and Mr. Speaker—14.

So the motion was lost.

Mr. Shaw moved that the bill be considered engrossed and read a third time now.

On motion of Mr. Smith,

Was amended by inserting in the 7th clause of 7th section after the word "owner" the words "of which."

Mr. Bradshaw moved to strike out section 14.

Which motion was lost.

Mr. Kelly moved to strike out the 2d clause of sec. 5.

Which motion was lost.

Mr. Smith moved to amend by inserting in the 2d clause of sec. 2, the words "and all family libraries."

Which motion was lost.

Mr. Meeker moved that the House resolve itself into committee of the whole House, to take into consideration

H. B. No. 56—An act to amend an act to provide for the assessing and collecting of county revenue,

Which motion was lost.

The bill was then considered engrossed and read a third time.

The question being upon its passage, yeas and nays were demanded, resulting as follows:

Those voting in the affirmative, were—

Messrs. Baker, Balch, Bullard, Glasgow, Guthrie, Jackson, Kellogg, Meeker, Moore, Morrow, Peabody, Shaw, Smith and Mr. Speaker—14.

Those voting in the negative were—

Messrs. Bradshaw, Curtis, Fletcher, Irby, Hinckly, Hutchinson, Kelly and Stillman—8.

So the bill was passed, and its title agreed to.

On motion of Mr. Balch,

Substitute for H. B. No. 56, was taken from the table.

Mr. Kelly moved to lay on the table and make the order of the day for to-morrow.

Which motion was lost.

Mr. Smith moved to lay on the table and make the order of the day for 4th of July next.

Which motion was lost.

On motion of Mr. Meeker,

H. B. No. 70—An act to divorce Morris H. Frost and Mary Ann Frost,

Was taken from the table.

Mr. Hinckly moved to assign now as the time for its second reading.

Mr. Irby moved to lay on the table.

Which motion was lost.

Mr. Smith moved to reject the bill.

Upon which motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Bullard, Glasgow, Guthrie, Irby, Jackson, Kelly and Meeker—9.

Those voting in the negative were—

Messrs. Anderson, Curtis, Fletcher, Hinckly, Hutchinson, Kellogg, Miller, Moore, Morrow, Peabody, Shaw, Smith, Stillman, Taylor and Mr. Speaker—16.

So the motion was lost.

The bill was then read a second time.

On motion of Mr. Hinckly,

Amended by inserting the word "supposed" between the word "the" and "bonds."

On motion of Mr. Kelly,

Was indefinitely postponed.

On motion of Mr. Meeker,

The President of the Council, who was present, was requested to give the House information relative to the urgency of certain Council business being acted upon.

On motion of Mr. Meeker,

The rules were suspended and business from the Council taken up.

Substitute for H. B. No. 40, and C. B. No. 4—Relative to prosecuting attorneys,

Was taken up, and Council amendments concurred in.

C. B. No. 9—An act to provide for the payment of certain fees and expenses.

Was read a first time; and,

On motion of Mr. Hinckly,

Rules suspended and read a second time.

On motion of Mr. Fletcher,

Rules further suspended, read a third time, passed and title agreed to.

Mr. Stillman moved to adjourn.

Which motion was lost.

C. B. No. 10—An act to amend an act entitled, "an act to regulate the practice and pleadings in prosecutions for crimes."

Read a first time; and,

On motion of Mr. Meeker,

Rules suspended and read a second time.

Mr. Meeker moved to refer to committee on Judiciary.

Which motion was lost.

Mr. Smith moved to suspend the rules and read a third time now.

Mr. Hinckly moved to strike out all after the word "repealed."

Which motion was lost.

Under a further suspension of the rules, the bill was read a third time, passed, and title agreed to.

On motion of Mr. Anderson,

The House adjourned.

WEDNESDAY, FEBRUARY 3, 1858.

House met pursuant to adjournment.

Absent—Messrs. Fletcher, Irby, Kellogg, Shaw and Stillman.

Journal of Tuesday read and approved.

Message from the Council by their Clerk.

Mr. SPEAKER:—I am instructed by the Council to inform the House that the President of the Council has signed

Memorial praying for military post at New Dunginess, and military road fromNew Dunginess to Port Townsend;

An act dissolving the bonds of matrimony existing between Julia A. Lendingham and A. L. Lendingham;

An act authorising the county commissioners to put the convicts of the county jail to labor.

An act declaring so much of the military road leadng from Steilacoom to Vancouver as lies within the limits of Lewis county, a territorial road.

An act to amend an act relating to deeds.

Memorial praying Congress to extinguish the rights of foreign corporations in W. T.,

Memorial for the relief of Allen L. Porter.

C. J. R. No. 5—Relative to the false and malicious slanders heaped upon the citizens and volunteers of W. T. by Gen. Wool concerning the late war in W. T.

Also, the Council have passed and agreed to the titles of the following bills, resolutions, &c.:

Substitute for H. B. No. 54—Relative to declaring a portion of the road from Olympia to Steilacoom, a public highway.

H. B. No. 69—An act to incorporate the Olympia Musical Association.

H. B. No. 77—An act for the protection of public and incorporate property.

H. B. No. 18—An act authorizing United States coast surveying parties to enter upon lands in Washington Territory, to erect signals, &c., and to prevent injury to said signals,

H. B. No. 68—An act to amend an act to establish probate courts for the Territory of Washington.

H. B. No. 75—An act to authorize certain officers to take acknowledgments.

H. B. No. 34—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace,"

C. M. No. 2—Relative to Charles E. Roberts, a settler on public lands in Whatcom county, W. T.

H. J. R. No. 15—Relative to the Dred Scott decision.

C. J. R. No. 10—Relative to the construction of a National Rail Road across the continent from the Atlantic States to the Pacific ocean.

H. J. R. No. 18—Relative to citizens' meeting and Governor McMullin.

H. J. R. No. 20—To provide for certain printing; and

H. J. R. No. 19—Relative to the creation of a land office at Vancouver, in Clarke county.

On motion of Mr. Peabody,

The Clerk was instructed to furnish to the Supreme Court copies of the laws passed by this Legislature, that may affect the Leschi case.

Mr. Meeker, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined

Joint Resolution relative to the arrest of the murderers of Col. I. N. Ebey and others.

An act in relation to recording town plats.

Memorial relative to a military road from Fort Vancouver to the Dalles.

An act relative to establishing the northwestern boundary of Jefferson county.

An act to authorize and locate a Territorial road from Grand Mound Prairie to Gray's Harbor.

An act to apportion the representation of the Legislative Assembly of Washington Territory.

An act to amend an act entitled, "an act creating the office and defining the duties of Territorial Auditor."

Memorial relative to paying citizens for making emigrant road over the Nachess pass.

Memorial praying the amendment of the pre-emption law, as regards pre-empting in Washington Territory.

An act authorizing William H. Cooper to establish a ferry; and

An act relative to the vacation of town plats

All of which they report as correctly enrolled.

O. P. MEEKER, *Ch'm.*

Mr. Speaker gave notice that he was about to sign

H. M. No. 15, H. J. R. No. 16, C. B. No. 5, H. B. No. 5, C. M. No. 3, H. B. No. 57, H. B. No. 71, H. B. No. 51, H. B. No. 55, H. M. No. 13, C. B. No. 6, and H. B. No. 30.

Mr. Peabody introduced

H. B. No. 78—An act to amend an act relative to liens of mechanics and others, for labor and materials.

Read a first time; and,

On motion of Mr. Wilson,

Rules suspended and read a second time.

On motion of Mr. Hinckly,

Rules further suspended, read a third time, passed, and title agreed to.

On motion of Mr. Wilson,

The Clerk was instructed to report forthwith to the Council the passage of said bill.

The Speaker laid before the House the Annual Report of the "Geographical and Statistical Society of Washington Territory."

OLYMPIA, FEBRUARY 3d, 1858.

Hon. J. S. M. VAN CLEAVE,

Speaker House of Reps:

SIR:—In submitting to the Legislative Assembly the first Annual Report of the "Geographical and Statistical Society" of the Territory of Washington, it is to be regretted that the report is not more full and comprehensive. It embraces, however, much information which will interest those who may intend emigrating to our Territory from the Atlantic States. During the past year the Society have been collecting statistical facts from every portion of the Territory, and they are much indebted to gentlemen of the present Legislature for many valuable items connected with their respective counties, and for which the acknowledgments of the Society are hereby tendered. The Report, when fully perfected and published, will be a source of information to persons abroad, which they cannot obtain from any other source, without much time and labor.

I have the honor to be, respectfully, yours &c.,

R. M. WALKER,

Recording Secretary.

On motion of Mr. Wilson,

The Report of the Society was laid on the table, and 2,000 copies ordered to be printed for the use of the House.

On motion of Mr. Morrow,

One hundred copies were ordered printed for the use of the Society.

On motion of Mr. Kelly,

The Secretary of the Territory was requested to forward to each member his quota of the copies of said report.

C. J. R. No. 10, was read a first time; and,

On motion of Mr. Smith,

Rules suspended and read a second time now.

Mr. Morrow moved to suspend the rules and read a third time now.

Mr. Smith moved to amend in the 2d line of the last resolve by striking out the words "undying fame."

Which motion was lost.

Mr. Hinckly moved to amend by adding as the last resolve the following:

Resolved, That the Secretary of this Territory be requested to forward copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and our Delegate in Congress.

Which motion prevailed.

Mr. Smith moved to amend by inserting after the words "undying fame," the words "and immortal glory."

Which motion was lost.

The motion of Mr. Morrow prevailed, and resolution adopted.

Mr. Fletcher moved to re-consider the vote by which H. B. No. 71 was indefinitely postponed.

Upon which motion, the yeas and nays were demanded, and were as follows:

Those voting in the affirmative were—

Messrs. Bradshaw, Curtis, Fletcher, Glasgow, Hinckly, Kellogg, Miller, Morrow, Peabody, Shaw, Smith and Stillman—12.

Those voting in the negative were—

Messrs. Baker, Balch, Bullard, Guthrie, Irby, Jackson, Hutchinson, Kelly, Meeker, Moore, Taylor, Wilson and Mr. Speaker—13.

So the motion was lost.

On motion of Mr. Van Cleave,

The Clerk was instructed to report all finished business to the Council.

On motion of Mr. Smith,

The committee on Printing were instructed to procure a sufficient number of labels for the Territorial Librarian.

H. B. No. 41 was taken up.

Mr. Balch moved to adopt the pending amendments of select committee.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Those voting in the affirmative were—

Messrs. Balch, Bradshaw, Curtis, Irby, Hinckly, Kellogg, Kelly, Meeker, Moore, Peabody, Stillman, Taylor and Wilson—13.

Those voting in the negative were—

Messrs. Baker, Bullard, Fletcher, Glasgow, Guthrie, Hutchinson, Miller, Morrow, Shaw, Smith and Mr. Speaker—12.

So the amendment was adopted.

Mr. Balch moved to consider the bill engrossed and read a third time.

Mr. Shaw moved to indefinitely postpone.

Upon which motion the yeas and nays were demanded, and resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Bradshaw, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Jackson, Hinckley, Hutchinson, Kelly, Meeker, Miller, Moore, Morrow, Peabody, Shaw, Stillman, Taylor, Wilson and Mr. Speaker—21.

Those voting in the negative were—

Messrs. Balch, Irby and Smith—3.

So the bill was indefinitely postponed.

Mr. Meeker moved a re-consideration of the vote by which H. B. No. 41 was indefinitely postponed.

Which motion was lost.

H. B. No. 37—An act to abolish capital punishment, and to provide for the more effectual punishment of the crime of murder,

Was taken up.

Mr. Morrow moved its indefinite postponement.

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Baker, Bradshaw, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Kellogg, Kelly, Miller, Moore, Morrow, Shaw and Taylor—17.

Those voting in the negative were—

Messrs. Balch, Hinckley, Meeker, Peabody, Smith, Stillman and and Wilson—7.

So the bill was indefinitely postponed.

Mr. Fletcher moved that when the House adjourn, it adjourn to meet at 2 o'clock, P. M.

Mr. Meeker moved to amend to meet at ten o'clock to-morrow.

Which motion to amend was lost.

Mr. Meeker moved to adjourn.

Which motion was lost.

The question on Mr. Fletcher's motion also lost.

H. B. No. 47—An act to provide for the exemption of certain property of unmarried men and women,

On motion of Mr. Guthrie,

Was laid on the table.

Mr. Speaker in the chair.

H. B. No. 11 was taken up; and,

On motion of Mr. Fletcher,

Laid on the table.

H. B. No. 52—An act to unite the counties of Pacific and Chehalis and provide for the organization of the same,

Was taken u; and,

On motion of Mr. Bullard,

Referred to committee on Elections.

H. J. R. No. 8—Relative to appointing a committee to make a new apportionment,

Was taken up; and,

On motion of Mr. Kelly,

Referred to committee on Ways and Means.

Mr. Glasgow's resolution relative to the printing of bills, &c., on their second reading, was taken up; and,

On motion of Mr. Meeker,

Referred to committee on Printing.

On motion of Mr. Meeker,

The House adjourned.

THURSDAY, FEBRUARY 4, 1858.

House met pursuant to adjournment.

Absent—Mr. Miller.

Journal of Wednesday read and approved.

Mr. Anderson, from committee on Judiciary, submitted the following report:

The committee on the Judiciary to whom was referred

H. B. No. 60—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace,"

Have instructed me to report said bill back to the House, and recommend that no further action be had thereon.

J. W. ANDERSON,
Chairman.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed to report to the House that the Council have passed

Substitute for H. B. No. 61—An act to amend an act entitled, "an act to regulate fees and costs,"

H. B. No. 49—An act to incorporate the Steilacoom Library Association of W. T.

H. B. No. 59—An act to amend an act entitled, "an act to regulate the practice and pleadings in prosecutions for crimes"

With amendments to section 2 as follows: Strike out after the word "same," in line 5, and insert "within 20 days after the time fixed for execution."

H. M. No. 16—Relative to holding district courts in each county in Washington Territory.

H. B. No. 48—An act to amend an act entitled, "an act relative to crimes and punishments, and proceedings in criminal cases," and an act entitled, "an act to regulate the practice and proceedings in prosecutions for crimes."

H. B. No. 78—An act to amend an act relative to liens of mechanics and others for labor and materials.

H. M. No. 23—Relative to the increase of fees of officers, &c., of the U. S. courts on the Pacific coast, with the words "and the space of ten years" stricken out.

H. B. No. 63—An act to incorporate the Presbyterian Church and School of Chambers Prairie.

On motion of Mr. Guthrie,

The committee on Enrolled Bills was granted permission to report to the House at any time during the day.

Mr. Shaw introduced

H. J. R. No. 22—For the relief of Edwin Giddings, jr.

Read a first time and ordered to a second reading.

Mr. Fletcher introduced

H. B. No. 79—An act to provide for the expenses of an extra term of the Supreme court.

Read a first time; and,

On motion of Mr. Irby,

Rules suspended and read a second time.

Mr. Irby moved to suspend rules and read a third time.

Mr. Bradshaw moved to amend by striking out $100 and inserting 50 dollars.

Upon which motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Balch, Bradshaw, Jackson, Hinckley, Kellogg, Meeker and Moore—7.

Those voting in the negative were—

Messrs. Baker, Bullard, Curtis, Fletcher, Guthrie, Irby, Hutchinson, Kelly, Miller, Morrow, Peabody, Shaw, Smith, Stillman, Taylor, Wilson and Mr. Speaker—17.

So the motion was lost.

The question then recurring on ordering to be engrossed and read a third time, the yeas and nays were ordered, and were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Curtis, Fletcher, Guthrie, Irby, Jackson, Hinckly, Hutchinson, Kellogg, Kelly, Meeker, Miller, Moore, Morrow, Peabody, Shaw, Smith, Stillman, Taylor and Mr. Speaker—22.

Those voting in the negative were—

Messrs. Balch, and Wilson—2.

So the motion prevailed, and the bill was read a third time and passed.

Mr. Hinckly moved to amend the title by striking out all after the word "act," and inserting "for the relief of the judges of the Supreme court."

Which motion was lost.

The title of the bill was then agreed to.

Mr. Irby introduced

H. B. No. 80—An act allowing additional compensation to the Territorial Auditor.

Read first time; and,

On motion of Mr. Kelly,

Rules suspended and read a second time.

On motion of Mr. Fletcher,

Rules suspended, considered engrossed and read a third time

The question being upon its passage, yeas and nays were demanded, resulting as follows:

Those voting in the affirmative, were—

Messrs. Anderson, Balch, Bradshaw, Bullard, Curtis, Fletcher, Guthrie, Irby, Jackson, Hinckly, Hutchinson, Kelly, Meeker, Miller, Moore, Morrow, Peabody, Smith, Taylor, Wilson and Mr. Speaker—20.

Those voting in the negative were—

Messrs. Baker, Shaw and Stillman—3.

So the bill was passed and its title agreed to.

Mr. Guthrie introduced

H. B. No. 81—An act to amend an act entitled, "an act incorporating the Northern Pacific Rail Road Company."

Read a first time; and,

On motion of Mr. Hinckly,

Rules suspended and read a second time.

On motion of Mr. Fletcher,

Laid on the table.

Mr. Kelly moved that when the House adjourned, it adjourned to meet at 2 o'clock, P. M.

Which motion prevailed.

The report of committee on Judiciary recommending that no further action be taken by the House on H. B. No. 60, was taken up; and,

On motion of Mr. Smith,

Was adopted.

Mr. Meeker, from committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined

An act to provide for the payment of certain fees and expenses.

An act to amend an act entitled, "an act to regulate the practice and pleadings in prosecutions for crimes."

Memorial relative to the extension of the donation law, granting settlers donations of public lands in Washington Territory.

An act to amend an act to establish probate courts for the Territory of Washington.

An act authorizing L. H. Davis to establish a ferry across the Chehalis River."

Joint resolution relative to citizens' meeting and Governor McMullin.

Joint resolution relative to printing the school laws.

An act to re-locate the Territorial University.

An act for the protection of public and incorporate property.

Memorial relative to the payment of the volunteers engaged in the late Indian war, and the indemnification of citizens for property destroyed by the hostile savages during said war.

An act to authorize certain officers to take acknowledgments.

An act to create and organize the county of Spokane.

An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace."

Joint resolution relative to the Dred Scott decision.

An act to regulate the draining of marsh and swamp lands.

All of which they report as correctly enrolled.

O. P. MEEKER,

Chairman.

Mr. Speaker gave notice that he was about to sign

H. M. No. 8; C. B. No. 10; C. B. No. 9; H. B. No. 12; H. B. No. 45; H. J. R. No. 15; H. B. No. 34; H. B. No. 75; H. B. No. 77; H. B. No. 32; H. J. No. 18; H. J. R. No. 20; C. B. No. 8; H. B. No. 68; H. B. No. 18, and C. B. No. 5.

C. M. No. 2—Relative to Charles E. Roberts, a settler on public lands in Whatcom county, W. T.

Read a first time; and,

On motion of Mr. Balch,

Rules suspended and read a second time.

On motion of Mr. Balch,

Rules further suspended and read a third time and passed.

On motion of Mr. Peabody,

The Clerk was instructed to forthwith report all finished business to the Council.

Message from the Council by their Clerk:

MR. SPEAKER:—I am instructed to report to the House that the Council have passed

H. B. No. 65—An act to amend an act entitled, "an act to amend an act entitled, 'an act to increase county revenue,'" with amendments.

The Council have concurred in House amendment to

C. J. R. No. 10—Relative to the construction of a National Rail Road across the continent from the Atlantic States to the Pacific ocean.

H. B. No. 59—An act to amend an act entitled, "an act to amend an act to increase county revenue,"

Which had been reported back from Council with amendments, was taken up, and amendments concurred in.

H. M. No. 23—Relative to the increse of fees of officers, &c. of the U. S. Courts on the Pacific coast,

Which had been reported from the Council with amendments, was taken up, and amendments concurred in.

H. B. No. 65—An act to amend an act entitled, "an act to amend an act to increase county revenue,"

Which had been reported from the Council with an amendment, was taken up.

Mr. Meeker moved to amend the amendment by striking out the words "except for medicinal purposes."

Upon which motion the yeas and nays were demanded, resulting as follows:

Those voting in the affirmative were—

Messrs. Baker, Balch, Jackson, Hinckly, Hutchinson, Kellogg, Meeker, Miller, Moore, Smith, Stillman and Wilson—12.

Those voting in the negative were—

Messrs. Anderson, Bradshaw, Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Kelly, Morrow, Peabody, Shaw, Taylor and Mr. Speaker—14.

So the motion to amend was lost.

M. Smith moved to amend the amendment by striking out all after the word "provided," and inserting the words "that all minors shall be prohibited from spending their time at his bar or gaming table."

Which motion prevailed.

Mr. Fletcher moved to amend the amendment by striking out the words "except for medicinal purposes," and insert the words, "without an order from the parents or guardians of such minors."

Which motion prevailed.

Mr. Fletcher moved to amend the amendment by striking out the words "gaming table," and inserting the words "card or billiard table."

The question being upon the amendment of the Council as amended:

Upon which motion, the yeas and nays were called, and resulted as follows:

Those voting in the affirmative were—

Messrs. Bullard, Curtis, Fletcher, Glasgow, Guthrie, Irby, Kelly, Morrow, Peabody, Shaw and Taylor and Mr. Speaker—12.

Those voting in the negative were—

Messrs. Anderson, Baker, Bradshaw, Balch, Jackson, Hinckley, Hutchinson, Meeker, Miller, Moore, Smith, Stillman and Wilson—12.

The House refused to concur.

On motion of Mr. Stillman,

The Clerk was instructed to report all finished business to the Council.

Mr. Jackson, by leave introduced

H. J. R. No. 23, relative to a committee to wait on the Governor.

Read first time, and

On motion of Mr. Meeker,

Read second time; and,

On motion of Mr. Smith,

Rules suspended and read a third time, passed and title agreed to.

On motion of Mr. Wilson,

The House adjourned.

AFTERNOON SESSION.

Mr. Meeker from the committee on Enrolled Bills, submitted the following report:

The committee on Enrolled Biils have examined

H. B. No. 39—An act creating the office and defining the duties of the office of Harbor Master at Oysterville,

H. B. No. 78—An act to amend an act relative to liens of mechanics and others, for labor and materials.

Substitute for H. B. No. 61—An act to amend an act entitled, "an act to regulate fees and costs,"

H. M. No. 18—Relative to military road from Steilacoom to Vancouver; and,

H. B. No. 49—An act to incorporate the Steilacoom Library Association of Washington Territory,

Substitute for H. B. No. 54—An act to locate a Territorial road from Olympia, in Thurston county, to Steilacoom, in Pierce county,

H. J. R. No. 19—Relative to the creation of a land office at Vancouver, in Clarke county,

H. B. No. 18—An act authorizing United States coast surveying parties to enter upon lands in Washington Territory, to erect signals, &c., and to prevent injury to said signals,

C. B. No. 10—An act to amend an act entitled, "an act to regulate the practice and pleadings in prosecutions for crimes."

Memorial relative to holding courts in each county in this Territory.

All of which they report as correctly Enrolled.

O. P. MEEKER,
Chairman.

Mr. Meeker, by leave introduced

H. J. R. No. 24, relative to Enrolling Clerks for the Legislative Assembly.

Read first time, and

On motion of Mr. Morrow,

Rules suspended and read a second time, when

On motion of Mr. Peabody,

Rules further suspended, read a third time and passed.

Mr. Speaker gave notice that he was about to sign

H. B. No. 18; H. M. No. 16; H. B. No. 30; H. J. R. No. 19; Substitute for H. B. No. 54; H. B. No. 69; H. B. No. 48; H. B. No.

78; Substitute for H. B. No. 61; and H. B. No. 49.

Mr. Fletcher offered the following resolution:

Resolved by the House of Representatives of the Territory of Washington, That we return our sincere thanks to the officers of this House for the able and efficient manner in which they have discharged their respective duties.

On motion of Mr. Shaw,

Was amended by inserting the words "the Hon. J. S. M. Van Cleave and other."

Mr. Balch moved to amend by inserting the names of the Clerks, and striking out the words "and other officers,"

Which motion was lost.

The question being upon the adoption of the resolution, the yeas and nays were demanded, which were as follows:

Those voting in the affirmative were—

Messrs. Anderson, Baker, Bradshaw, Bullard, Fletcher, Glasgow, Guthrie, Irby, Jackson, Hutchinson, Hinckly, Kellogg, Moore, Morrow, Peabody, Shaw, Stillman, Taylor and Wilson—19.

Those voting in the negative were—

Mr. Balch—1.

So the resolution was adopted.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the Council have passed with various amendments:

H. B. No. 29—An act supplemental and amendatory to an act entitled, "an act to organize the militia,"

H. B. No. 80—An act allowing Territorial Auditor additional compensation, with an amendment.

And that they have concurred in House amendment to C. J. No. 10, and have passed

H. J. R. No. 23—relative to informing the Governor of the adjournment of the Legislative Assembly.

Also, that the following has been signed by the President of the Council, viz:

Joint Resolution relative to the arrest of the murderers of Col. I. N. Ebey and others.

An act in relation to recording town plats.

Memorial relative to a military road from Fort Vancouver to the Dalles.

An act relative to establishing the northwestern boundary of Jefferson county.

An act to authorize and locate a Territorial road from Grand Mound Prairie to Gray's Harbor.

An act to apportion the representation of the Legislative Assembly of Washington Territory.

An act to amend an act entitled, "an act creating the office and defining the duties of Territorial Auditor."

Memorial relative to paying citizens for making emigrant road over the Nachess pass.

Memorial praying the amendment of the pre-emption law, as regards pre-empting in Washington Territory.

An act authorizing William H. Cooper to establish a ferry; and

An act relative to the vacation of town plats.

H. B. No. 28—An act to amend an act entitled, "an act to regulate the practice and proceedings in civil actions."

Messrs. Irby, Stillman, Taylor and Fletcher requested leave of absence.

On motion of Mr. Baker,

Leave was granted by the House.

H. B. No. 80, an act allowing additional compensation to the Territorial Auditor for the past year, reported from the Council with an amendment.

The House concurred in Council amendment.

H. B. No. 29—An act supplemental and amendatory to an act, entitled an act to organize the militia, reported from the Council with an amendment.

The House concurred in Council amendment.

On motion of Mr. Meeker,

The Clerk was instructed to report forthwith to the Council the passed bills of the House.

On motion of Mr. Meeker,

8 o'clock, P. M., was designated as the time at which the House would meet after adjourning.

The Chair announced as the committee on the part of the House to wait upon the Governor,

Messrs. Jackson, Miller and Moore.

On motion of Mr. Peabody,

The House adjourned.

EVENING SESSION.

Message from the Council by their Clerk.

Mr. SPEAKER:—I am instructed by the Council to inform the House that the President of the Council has signed the following Bills, Resolutions, and Memorials, to-wit:

H. B. No. 26—An act to amend an act entitled, "an act relating to common schools in the Territory of Washington."

H. B. No. 39—An act creating the office and defining the duties of harbor-master of the harbor of Oysterville.

Substitute for H. B. No. 54—Relative to declaring a portion of the road from Olympia to Steilacoom, a public highway.

H. B. No. 69—An act to incorporate the Olympia Musical Association.

H. J. R. No. 20—To provide for certain printing; and

H. B. No. 60—An act to amend an act entitled, "an act relating to justices of the peace and constables, and the practice before justices of the peace,"

Substitute for H. B. No. 61—An act to amend an act entitled, "an act to regulate fees and costs,"

H. B. No. 49—An act to incorporate the Steilacoom Library Association of W. T.

H. B. No. 19—An act to confer civil jurisdiction upon probate courts, and regulate the practice therein.

H. B. No. 45—An act to create and organize the county of Spokane.

H. M. No. 8—Relative to the extension of the donation law, granting settlers donations of the public lands in Washington Territory.

H. M. No. 11—For the payment of the war debt.

H. M. No. 2—Praying for an appropriation to indemnify citizens of Washington Territory for property destroyed during the late Indian war.

H. B. No. 75—An act to authorize certain officers to take acknowledgments.

H. J. R. No. 19—Relative to the creation of a land office at Vancouver, Clarke county, W. T.

C. B. No. 8—An act authorizing L. H. Davis to establish a ferry across the Chehalis river.

An act to amend an act relative to liens of mechanics and others for labor and materials furnished.

An to amend an act entitled an act relative to crimes and punishments, and proceedings in criminal cases.

Memorial relative to the holding of District Courts in each county in Washington Territory.

An act for the protection of public and incorporated property.

An act to re-locate the Territorial University.

Resolution relative to citizens meeting, &c.

Resolution relative to the Dred Scott decision.

An act to regulate the draining of marsh and swamp lands.

Mr. Miller, from the committee to wait upon the Governor, submitted the following report:

The committee to wait upon Governor McMullin, beg leave to report that they have performed that duty, and his Excellency informed them that he had no further communications to make to this body.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to report to the House that the Council have passed

H. J. R. No. 24, relative to Enrolling Clerks for the Legislative Assembly.

Mr. Meeker from the committee on Enrolled Bills, submitted the following report:

The committee on Enrolled Biils have examined

H. B. No. 63—An act to incorporate the Presbyterian Church and School of Chambers Prairie.

Memorial in behalf of Charles E. Roberts, a settlers on the public lands in Whatcom county, W. T.

C. B. No. 4—Relative to prosecuting attorneys.

H. J. R. No. 23—relative to informing the Governor of the adjournment of the Legislative Assembly.

An act to amend an act entitled an act relating to common schools in the Territory of Washington.

H. B. No. 59—An act to amend an act entitled, "an act to regulate the practice and pleadings in prosecutions for crimes."

H. M. No. 23—Relative to the increase of fees of officers, &c. of the U. S. Courts on the Pacific coast.

H. B. No. 80—An act allowing Territorial Auditor additional compensation.

H. B. No. 29—An act supplemental and amendatory to an act entitled, "an act to organize the militia."

C. J. R. No. 10—Relative to the construction of a National Rail Road across the continent from the Atlantic States to the Pacific ocean.

C. J. R. No. 9—Relative to the Legislature adjourning *sine die*.

Joint Resolution relative to Enrolling Clerks for the Legislative Assembly.

An act to provide for the payment of certain fees and expenses.

All of which they report as correctly Enrolled.

O. P. MEEKER,
Chairman.

Message from the Council by their Clerk:

Mr. Speaker:—I am instructed to inform the House that the Council have passed:

H. B. No. 79—An act to provide for the expenses of an extra term of the Supreme court.

Mr. Speaker gave notice that he was about to sign

H. J. R. No. 24; H. M. No. 23; H. B. No. 59; H. B. No. 26; C. M. No. 2; H. B. No. 63; H. B. No. 29; Substitute for H. B. No. 40 and C. B. No. 4; H. B. No. 80; C. J. R. No. ; C. J. R. No. ; C. M. No. ; and H. B. No. 79.

Message from the Council by their Clerk—

MR. SPEAKER :—I am instructed to inform the House that the Council have no further business before them, and are now ready to adjourn *sine die.*

On motion of Mr. Van Cleave,

The Clerk was instructed to forthwith report all finished business to the Council.

On motion of Mr. Balch,

The Clerk was instructed to inform the Council that the House had no further business before them and were now ready to adjourn *sine die.*

Message from the Council by their Clerk—

MR. SPEAKER :—I am instructed to report to the House for your signature :—

An act to amend an act relating to common schools in the Territory of Washington.

H. B. No. 63—An act to incorporate the Presbyterian Church and School of Chamber's Prairie.

An act to amend an act entitled, "an act to regulate the practice and pleadings in prosecutions for crimes."

H. M. No. 23—Relative to the increase of fees of officers, &c., of the U. S. courts on the Pacific coast.

Substitute for H. B. No. 40, and C. B. No. 4—Relative to prosecuting attorneys.

Memorial for the relief of Charles E. Roberts.

H. J. R. No. 14—Relative to the adjournment of the Legislature and relative to waiting upon the Governor.

Joint Resolution relative to Enrolling Clerks for the Legislative Assembly.

An act supplemental and amendatory to an act entitled an act to organize the Militia.

An act allowing additional compensation to the Territorial Auditor for the past year.

Joint Resolution relative to the construction of a National Railroad across the continent from the Atlantic States to the Pacific Ocean.

Joint Resolution relative to adjournment, and

An act to provide for the expenses of an extra session of the Supreme Court.

On motion of Mr. Guthrie,

The House adjourned *sine die*.